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ABSTRACT

The report centers around the general question of how nonwhite minority groups were treated by those responsible for public education in California between 1849 and 1970. The minorities treated are Indian, Mexican, Negro, and Asian Americans, all of whom were once considered a formidable problem by Californians of the dominant culture. More specifically, the purposes of the descriptive document are twofold: to determine the educational opportunities that were provided for nonwhites and to reveal why and by what process nonwhites were treated as they were. Variables that served to alter the nature of that treatment, positively or negatively, are ascertained. Variables affecting the educational opportunities of the minority groups include political and economic power. The story of nonwhite education in California involves a virtually unbroken string of discriminatory practices, some sanctioned by law, some only by custom. Any relief provided was usually through the courts or through the disadvantaged group's persistance and power. Through the passing years, a clearly identifiable improvement in the legal and social rights accorded to nonwhite students in California is apparent. However, public education has yet to solve some of the major problems, which still-exist from 120 years ago. An extensive bibliography concludes the document. (Author/JR)

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FINAL REPORT

Public Policy Toward the Education of Non-White Minority Group Children in California, 1849-1970

National Institute of Education Project No. NE-G-00-3-0082

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PREFACE

It was inevitable perhaps that time would bring a negative expression of what had endured as a glowingly positive conception of American public education. During the past decade former romantic notions concerning the social equalizing capacity of Horace Mann's American common school have been heavily amended, and in some cases even displaced by a more critical interpretation of what free public schooling has produced and is capable of producing. A sudden awareness of the school's historic failure to provide blacks and other minorities with education comparable to that provided middle class whites contributed heavily to that amended interpretation. The vision of an institution conceived as the "great equalizer of human conditions" was giving way to one pictured as an ineffective bureaucracy riddled with class and racial bias.

The growth and significance of bureaucracy in education has been studied competently by others. It is assumed here that the level of discrimination experienced by non-whites was not primarily the result of institutional structure or the decision making process within social institutions. Sometimes the forces of localism were restrained by higher authority from admitting non-whites into local schools. More commonly, such restraint as was directed against racial discrimination came from higher and more distant levels of authority and was directed at local, often rural, boards of education.

Racial discrimination is the principal concern here, with the primary focus of the study centering around the general question of how non-white minority groups were treated by those responsible for public education in

California between 1849 and 1970. Minorities included are those still prominently recognized as such by agencies of government and the public at large. While numerous immigrant groups and followers of certain religions have also been the victims of prejudice, each of the groups included here was once considered a formidable problem by Californians of the dominant culture. Further, each was the target of discriminatory state legislation on education. This includes Indian, Mexican, Negro, and Asian Americans, all of whom came upon their California experiences in diverse ways. While all have been victims of formidable discriminatory practices, school segregation being one of the more apparent, other experiences have been different, depending on the historical context under scrutiny.

In confronting the topic at hand my purposes are twofold. First, an effort has been made to determine what educational opportunities were provided for non-whites. Often the question was as basic as whether or not non-whites would be permitted to attend school, or if allowed to attend, whether or not they would be segregated. Modest additional insight is gleaned concerning the quality of the education provided for non-whites relative to the advantages furnished majority group children. Thus the report's central purpose is to inform; its approach descriptive.

Beyond chronicling the history of school attendance and various forms of discriminatory practice at the state and local levels, the more intriguing question addressed is why and by what process non-whites were treated as they were. Stated differently, what variables served to alter the nature of that treatment either positively or negatively. California, like the nation at large for the period under review, was fundamentally racist in its attitudes toward non-whites. But, also like the nation at large, its citizens shared a fundamental faith in democracy, or something described by Gunnar Myrdal as the American Creed, incorporating the concepts of fair play and equal opportunity.[1] One principal part of the Creed, or perhaps a conclusion from it, was a commitment to education, presumably for all. The contradiction between racist attitudes and the Creed is readily apparent, creating, again as Myrdall suggested, an American Dilemma.

One could argue that the American Creed was an empty commitment honored only in the breach by hypocritical citizens and their leaders. There is reason to believe, however, that the Creed did serve as a kind of conscience for Americans, and was even strong enough to influence behavior when other conditions were right. This does not detract from the conclusion that almost invariably the conflict between racism and the Creed was settled on the side of policies blatantly discriminatory against non-whites. In a word, racism generally prevailed. At the same time, it must be acknowledged that white citizens holding positions of influence in society were not uniformly committed to the same breadth and intensity of discrimination. After all, white Americans did cherish values other than racism. Thus the actual focus and extent of discriminatory behavior was determined by numerous pragmatic factors, the relative importance of which shifted as circumstances changed. Not all non-white minorities were targeted for exactly the same intensity of discrimination at the same time in all parts of the state. There is good reason to believe, for example, that generally a heavy concentration of non-whites elicited a greater hostile reaction than a smaller number did.

One substantial variable was political and economic power. Just how close the institutionalized education of non-whites approximated that of the majority group depended in large measure on how much political and economic power was held by the former and how great a threat they were perceived to be by whites. When, for example, the power exercised by a minority group was low, as was the case with Chinese and Indians during the 19th century, the education of these groups suffered greatly. On the other hand, when the political muscle of the United States Government and a foreign government was brought to bear against a discriminatory practice, as in the 1906 Japanese segregation policy in San Francisco, the situation was resolved relatively favorably for the minority group.

Economic costs were frequently factors in determining the extent and intensity of discrimination. For example, rarely were separate schools desired where the number of non-whites was small, thereby requiring expensive separate facilities. No schooling at all was often a viable alternative, but segregated schooling made economic sense only when and where enough non-whites were present to set up at least a single segregated classroom.

Throughout the period under investigation the U. S. Constitution served as society's most potent embodiment of the American Creed. Where other laws were subject more to the whims of local political pressure, often racist in temper, the nation's Constitution stood as the highest legal mandate for something approaching equality. Virtually all of the significant breakthroughs in advancing the cause of equality in California were won through the courts. Expectedly, leadership for advances in the cause of educating non-whites did not come from educators for the most part. Educators were much too well integrated into the conventional life of the dominant community and much too focused on the popularity of their own institution for that. All in all the evidence probably supports the notion that state and large city school leaders were somewhat more inclined to provide improved educational opportunities for non-whites than was the majority group at large. In some cities, most notably Los Angeles, we occasionally witness school leaders providing desegregated schools for non-whites until a faction in the white community complains.

The story of non-white education in California involves a virtually unbroken string of discriminatory practices, some sanctioned by law, some only by custom. Such relief as was provided generally was won through the courts or through the disadvantaged group's persistence and power. Policies first of exclusion, later of separation, and finally of desegregation, resulted from a shifting collage of attitudes and circumstances. Through it all the American Creed competed with racist attitudes for a position of primacy in the policy maker's mind, both in the end generally being compromised by contemporary pragmatic forces.

Certain practical problems have become evident in an undertaking such as this. Perhaps the most obvious one is that scholarship in the field has not been generated on any consistent basis over the years. Thus, while an author might wish to give greater attention to the policy issues suggested by the topic, much of the present need involves the less glamorous chore of fact gathering. A few historical events, such as the 1906 Japanese segregation issue in San Francisco, have had extensive coverage in previous studies, especially in doctoral dissertations and masters' theses. On the other hand, most areas have hardly been touched. This is especially true for Indian education, the education of Mexican migrant children, and even for blacks in California cities between 1880 and 1960. As an initial comprehensive effort, the present study can not be represented as more than a first step or a building block for subsequent work. Far more needs to be known, both in terms of the what and why of public policy toward the education of non-whites in California and the nation at large. Aside from whatever contribution is represented by this report, I have reason to believe from studies underway elsewhere that this knowledge will be forthcoming.

The work of this report has been made possible through financial support provided by the National Institute of Education (NIE) and an intramural research grant from the University of California, Riverside. S. Macpherson Pemberton, project officer from the NIE, provided understanding counsel and a continuing interest in the project. Others have been instrumental in shaping the study, collecting the data and preparing the report. All are deserving of thanks for their contributions. Doyce B. Nunis, Jr., University of Southern California, first suggested to me the need for an investigation into the history of non-white education. Once the study was underway, student assistants had much to do with the data gathering process and helped in other important ways. Nancy Baumbach and Dianne McCormack gathered state school attendance figures. Diana Talbot demonstrated considerable initiative and insight in tracking down historical information on the California Indians. In particular I would like to thank Jeanne Pfeifer and Gary Badarak for their intense dedication during the final data gathering phase of the project. Both extended themselves well beyond the requirements of their jobs. All tables in the report were compiled and prepared by Mr. Badarak.

Since much of the information for the study was not available in published form, the data collection has required extensive cooperation from archivists, librarians and secretaries in numerous parts of the state, as well as at the Department of Special Collections, University of Oregon. Such cooperation was generously forthcoming from the library staffs of the University of California at Berkeley, Los Angeles and Riverside, the University of Southern California and Stanford University. In particular I would like to cite the helpfulness of Ann M. Campbell, National Archives Branch, San Francisco, Robert D. Jordan, National Archives Branch, Los Angeles, and William N. Davis, Jr., Archivist of California. Numerous acts of assistance were also provided by secretaries responsible for school board minutes and other school records in San Francisco, Oakland, Sacramento, San Jose, Los Angeles, Pasadena, Riverside, Santa Ana and San Diego. Mary Lou Jepsen and Gloria Pickel, Office of the Board Secretariat, Los Angeles Unified School District, were especially helpful in this regard on a daily basis over a period of several months. Closer to home, the details of manuscript preparation were shared by Connie Mascaro who typed the final report, and by Rosie Russell, Kathryn Huber and Betty Medved who assisted with various details associated with the report's production. My colleague Irving H. Balow assisted by offering helpful comments on an earlier draft of the manuscript. Certainly the report's shortcomings are in no way attributable to those who assisted. As always, full responsibility rests with the author.

Riverside, California
March, 1975

Irving G. Hendrick

CHAPTER I

A NEW NATIONAL AFFILIATION AND NEW PREJUDICES

By October 18, 1850, when the mail steamer Oregon entered the harbor at San Francisco proclaiming the news of statehood, California had already been governed by two different nations. Each had contributed something of lasting value to the character and charm of the place. But though a generally tolerant attitude toward Indians, if not other nationalities, was a characteristic of Spanish and Mexican rule, it was not one capable of withstanding heavy American influence after 1846.

True, some native Americans had been forced to alter their way of life as early as 1591 when Jesuit missionaries introduced the Catholic faith, the Spanish language, and skills necessary to the white man's survival. But unlike later influences, the system did not force extreme changes in the indigenous culture. After 1768 Visitador-General Jose de Galvez carried out a royal order to expell the Jesuits and exercise fiscal reforms, including the collection of tributes from Indians. Indian rebellions were met with executions, lashings, banishment, and imprisonments, but on a scale diminutive of what would follow under the Americans. Harsh though the discipline was, it did not signify major changes in established ways.

After 1822, when Mexican revolutionaries succeeded in their war of independence, one significant change did occur which affected the Indians--secularization. Soon thereafter the Indian policy derived from

Spain lost its vitality. Many Indians reverted to their ancestral customs, likely with a new bitterness toward intruders. Others, without security derived from the missions, were left to live a life of starvation, beggary, petty crime, and even drunkeness. This was the side seen by most whites who arrived in 1849 and later.

Apart from the mission effort, the history of formal institutionalized education under Mexico was filled with noble intentions and aborted efforts. Governor Jose Maria Echeandia not only believed in a free and compulsory education for rich and poor alike, but held that Indians as well as the children of the _gente de razon_ were entitled to schooling in territorial primary schools for the purpose of instruction in reading and writing. As with other noble goals of the pre-American period, this one was not implemented. Most Mexican governors evidently considered schooling desirable, but lacked the ability, power, and resources needed to surmount the obstacles confronting them. In 1841 Father Duran of Mission San Jose complained to former Governor Echeandia that he could not even find ignorant schoolmasters for the white race, let along do anything more than provide practical education for Indians.[1]

Much would change during the American period. To be sure the cultural background and experiences of non-whites in California differed markedly from one another during that period. Few common threads were to be found. What was common was the manner of their treatment at the hands of American whites. Though still a numerical minority themselves as late as 1850, Americans had full legal control over the native Mexican and Indian population, not to mention all other residents as well. The functional dilemma between the American Creed on one hand and racist attitudes on the other, is reflected in the Californian's editorial of March 15, 1848:

> Negroes have equal rights to life, liberty, health, and happiness with the whites. . . We desire only a white population in California; even the Indians amongst us, as far as we have seen, are more of a nuisance than a benefit to the country; we would like to get rid of them.[2]

In spite of a sometime awareness that non-white residents of California were entitled to political rights and a fair chance for economic gain, the qualities of individualism, economic equality, and democracy that Frederick Jackson Turner identified as characteristic of the American West, were apparently conceived by most early Americans in California as reserved for white residents.

Dramatic though the transformation of California was under American rule, there was enough of the former influence remaining to have some impact on the first state constitution. Of the forty-eight delegates to the constitutional convention, six were native Californians, another, though born in Spain, was a resident of California.[3] Twenty-two of the American delegates were from free states; fifteen from slave states. The presence of the Californians helped assure that the guarantee of suffrage agreed to in the Treaty of Guadalupe Hidalgo would be included, as would an opening wedge for admitting Indians to the franchise. Accordingly, every white male citizen of Mexico and the United States became eligible to vote in California. There was less certainty about how to handle Indians, but after some debate a provision was added permitting the legislature by a two-thirds vote to admit Indians and their descendants to the right of suffrage.[4] The fact that the legislature would not be disposed to do this did not detract from the delegates more hospitable attitude. As a sort of terminal gesture of good will toward Hispanic tradition, the delegates agreed to print the new constitution in both English and Spanish, thereby making it the first and last important bilingual document approved for a long time. A constitutional provision that the legislature print all its laws in the Spanish language was not honored.

That Negores would not receive the franchise was never in doubt. What was somewhat in doubt at the convention was whether their presence even would be tolerated. A fear, based partially on fact, that slaves would be used to give some white men an unfair advantage over others, stimulated the temporary adoption of an amendment excluding Negroes from the state. Exclusion sentiment was particularly strong in the mining districts where petitions for it were numerous. Only a fear of being denied statehood permitted cooler heads to prevail and the dropping of the exclusion provision.[5]

Somewhat surprisingly, intense feeling over the slavery issue did not prove a major obstacle to the adoption of Section 18 in the Declaration of Rights declaring that slavery and involuntary servitude would not be tolerated except as punishment for a crime. It is likely that most pro slavery delegates, especially future U. S. Senator William M. Gwin, were looking ahead to political careers and did not want to raise troublesome questions. To some early political leaders, the absence of slavery implied the absence of Negroes. Governor Peter H. Burnett took a strong stand against bringing indentured Negroes to California, and followed through on his position by having legislation introduced to prevent the immigration not only of indentured servants, but all "free Negroes and persons of color." In 1850 such a bill passed the Assembly, but lost thirteen to twelve in the Senate. A year later Governor Burnett advised the legislature to exclude colored persons, and again the measure passed the Assembly, but was "indefinitely postponed" by the Senate, largely through the efforts of Senator David C. Broderick.[6]

Similar efforts at turning back the immigration of Negroes and mulattoes were made in 1857 and 1858. Each time the move failed, but each time it enjoyed success in committees and one or another house prior to being defeated.[7] During the 1857 session Assembly Bill 411 passed in the Senate, but was defeated in the Assembly by a two vote margin. The following year similar legislation actually cleared both houses, but because some racially moderate whites in the Senate succeeded in getting substantive amendments approved, a joint Assembly-Senate conference was required to consider the changes. Since the Assembly had already adjourned, the measure was killed.[8]

Blacks were not the only targets of exclusion rhetoric and legislative proposals. Governor John Bigler's message to the legislature in 1856 regarding "Asiatics" was practially identical with former Governor Burnett's views toward Negroes. California was seen by Bigler and most Democrats as peculiarly a country for white men. Indians too were viewed as an obstacle to white Americans pursuing their manifest destiny of continued expansion and development. Yet, unlike foreign immigrant groups, who enjoyed some protection through the workings of international diplomacy, and Negroes, who for all their perceived inferiority, were seen as second class citizens by some and as useful white owned property by others, Indians were looked upon as a kind of natural obstacle to be killed or driven back much as one would contend with other natural impediments. Their removal from California was the goal, and the point of messages sent to Washington prior to the U. S. Senate's rejection of eighteen Indian treaties negotiated for the Federal Government in 1851 and 1852.[9]

Harsh attitudes toward non-whites notwithstanding, there is no reason to believe that Americans in California had a markedly different attitude toward them than did Americans generally.[10] Functional political equality, let alone legal, social, or educational equality, were hardly realities anywhere in the nation by 1850. The Oregon Constitution of 1857 even prohibited Negroes from owning real estate, while Oregon, like the northern states of Ohio, Indiana and Illinois, approved Negro exclusion legislation.[11]

Although fundamental attitudes toward race were likely similar throughout the nation, one crucial element tended to aggravate the situation in California. The rush for gold not only brought to California an unusually heterogeneous population, including approximately one third of the total from Southern states and a substantial number of foreign immigrants, but focused their attention on rapid economic gain in an intense spirit of necessary cooperation with intense competition as well. Hubert Howe Bancroft observed that the miners were an "ultra-democratic body, priding themselves upon an equality which to the present end manifested itself in according free and full voice to every person present." The only injustice they countenanced, observed Bancroft, was "race prejudice."[12] Given that there was widespread discrimination against non-whites, blacks may well have had it somewhat better than Mexican and Chinese miners. Sharing much of the same culture as whites, Negroes were not reluctant to spend their money in gambling halls and boarding houses run by whites.[13]

The atmosphere of competition likely did not make men more racist, but it probably helped expose their basest qualities. Most of the miners were poorly educated and viewed all non-whites as inferior to the "white race." Nationality conflicts between Irish and German immigrants, common in the East, were greatly overshadowed by a relatively united front of whites against all manner of non-white "foreigners."

Two pieces of legislation approved during the early 1850's capture the sentiment of the white majority on the issue of race. The first was the infamous foreign miners tax; a fugitive slave law was the second. Beginning in 1850 a tax in the form of a license was approved for assessment on all foreign miners at the rate of $20 per month. Questions about the act's constitutionality and its excessive burden caused it to be repealed in the following year, only to reappear again in 1852 at the reduced rate of $3 per month.[14] The purpose of the act was to discourage foreigners, particularly Hispano-Americans (most of whom were Mexicans), and Chinese from the mines. While others were also affected to a modest degree, the burden was assessed regularly only against Chinese and Hispano miners.

Bitterness engendered by the tax and the treatment which accompanied it led large numbers of Mexicans to leave the mines for sites in Lower California. The most extreme irony is that almost overnight Hispano Americans were transformed from a position of equality--even dominance--to one of subjugation and intimidation. California's history notwithstanding, Mexicans immediately were perceived as the most numerous group of non-white foreigners and early became the targets of most indignities accorded to Chinese and Negroes. Their alleged extraordinary luck in the mines and perceived clanishness helped provide an excuse for according them ill treatment.

For some Negroes ill treatment included virtual slavery. In 1852 a former Southern aristocrat, Assemblyman Henry A. Crabb, effectively sponsored a fugitive slave law, the functional effect of which was to enable a master to retain or remove a slave at will. The bizarre case of Archy Lee in 1857 stemmed from a challenge to this legislation. Although the California Supreme Court, headed by Chief Justice (former Governor) Peter H. Burnett, required Archy Lee to return with his master, before the string of events had ended the U. S. Commissioner in San Francisco ruled that Archy was a free man.

Even with a history of slavery, continuous indignities, and inadequate education, it would be the American Negro who was best equipped to strike back at the hostile acts of the white majority. While almost totally powerless and living on the periphery of the American legal and economic system, the few educated black Americans did understand and subscribe to the principles of the American Creed. Given conditions of the 1850 period, it is probable that only the brightest and most enterprising of the race could have mustered the resources needed to attempt a trek to California.

TABLE 1. 1850 CENSUS FOR SELECTED COUNTIES BY RACE

		Colored		Domesticated	Foreign
County	White	Black	Mulatto	Indians	Residents
*Sacramento	11,196	240	98	80	1,262
San Francisco	35,531	323	141	159	19,303
Los Angeles	4,091	34	11	4,193	295
San Diego	537	7	--	2,273	98

SOURCE: U. S., Census Office, Seventh Census of the United States, 1850 (Washington, D. C.: Public Printer, 1853), p. 982.

NOTE: The classification 'white' includes Mexican immigrants and their descendents. Only in the 1930 census were Mexicans classified separately from other whites.

*Does not include 804 Chinese.

Negroes had been coming to California since the beginning of American occupation in 1846. By 1850 approximately one percent of California's 92,000 inhabitants were Negro, a percentage about comparable to that of the North and West generally.[15] By 1852 the number was still about one percent of the total population, but had increased to 2,200. Some clearly were slaves; some were working for their freedom; some were free. The exact proportion of each is illusive, but county enumerations show that most came from northern states and from states in the Upper South with large free Negro populations.[16] Almost a third lived in San Francisco and Sacramento counties. A disproportionate number of Negroes living in the Mother Lode counties were from southern states. Regardless of regional origin, all but a few were Americans with experience in American ways, including, most importantly, a knowledge of the English language and the nation's political system.

Social, economic, and legal discrimination against Negroes was blatant. Negroes invariably were provided with separate accommodations. Be it in the mining fields or in San Francisco, they were served meals and permitted to gamble, but rarely with whites. In addition to the fugitive slave law and numerous efforts to exclude Negroes from the state, there existed the usual legal barriers against mixed marriages, the franchise, and the right to testify in court when whites were principals in a case.

Yet there was always enough hope in the situation to give a resourceful Negro population encouragement. Only on the issues of social equality and amalgamation was there unanimous negative sentiment among whites. Except for some Democrats charging political opponents with their advocacy, social equality and racial amalgamation were scarcely considered. Whites were divided on virtually all other social and legal issues, thereby giving Negroes a viable chance that their cause would be championed. Unfortunately for blacks, during most of the 1850's the Democratic Party in California was dominated by the pro-Southern or Lecompton wing. Northern Democrats, led by State Senator and later U. S. Senator David Broderick, many Whigs, and most early Republicans, assumed comparatively moderate positions on racial issues by standards of that day. Generally these forces were able to repell the more extreme positions advocated by the pro-slavery and pro-exclusion forces, often by the slimmest of margins.

When the exclusionists reached their peak of power in 1858, encouraged by the Dred Scott decision during the previous year, they were opposed by some--if not many--influential whites. Two of California's most influential newspapers, the Sacramento Daily Union and the San Francisco Daily Evening Bulletin opposed the 1858 exclusion effort; the latter paper calling California's black population the best free Negro group in the United States.[17]

Whatever its intentions, there was good reason for the Evening Bulletin to point up the high status of California Negroes. One of the most tangible assertions of Negro wealth was made by J. H. Townsend, chairman of a special committee of blacks charged with compiling statistics on the Negro population and their wealth. Reportedly the chief source of their wealth was agriculture, with other sources indicated as business, real estate and mining. Also significant was the proud assertion that "the colored residents of California are in proportion to their numbers, the least recipients of public charity of any class in the State." According to this 1855 report, 4,815 blacks possessed a total wealth of $2,413,000, or the equivalent of slightly over $501 for every black man, woman and child in the state. Of the total wealth reported, $750,000 was from San Francisco, with the next three highest totals coming from the mining regions, i.e., El Dorado County ($350,000), Nevada County ($250,000), and Sacramento County ($250,000).[18] Thus, in spite of some needing to pay for their freedom, and all suffering from numerous legal handicaps, Negro ambition, hard work and frugal management had produced impressive early gains in California. In San Francisco nearly

20 percent of the 463 Negroes classified by occupation in 1860 were cooks. The remaining 80 percent included laborers, waiters, stewards, porters, barbers, sewing women, mechanics and businessmen.[19]

More than any other non-white group, it was clear that blacks were developing a stake in California society. As possessors of property and cash, their perceived need tor legal protection became acute. Consequently the paramount issue in the minds of educated blacks was for equality of legal and political rights with whites. Through a series of four state conventions of colored citizens the right to testify in court against whites became the primary issue discussed.[20] Having been denied this right since April, 1850, California's Negro leadership worked to reverse the law from 1853 until finally meeting with success in 1863 under a Republican administration. During the fifties each of their petitions to the legislature was summarily rejected. In 1857 seven different petitions were sent, each meeting the same fate.[21] Depressing as some of the setbacks were, Negroes were developing a sustained political effort, pointing out where possible how white interests coincided with their own, and pressing for what they considered a fair share of public expenditures.

If the rush for gold brought adventurous whites to California, there is good reason to suspect that it brought only the most adventurous and highly motivated blacks. Even in a legal posture ot powerlessness, and facing clear political and economic disadvantages, blacks were succeeding, at least partially, in forcing governmental leaders into recognizing their needs. Other non-white groups were less motivated or equipped to seek a redress of injustices perpetrated against them.

The first Chinese immigrants reached California in 1849.[22] By 1851, Sacramento St. in San Francisco was becoming known as "Little China." Since the Chinese had not yet been tagged for discrimination, their presence did not have an adverse effect on prominent white people who also shared the area.[23] Already by 1852 the 17,000 Chinese constituted a tenth of the total state population. Between 1852 and 1860 the Chinese population doubled to 34,935, a number over eight times greater than the black population,[24] and high enough to establish the Chinese as the largest group of unnaturalized foreigners in California. Unlike blacks, the caste destiny of Chinese immigrants was not immediately apparent. Indeed, prior to 1853 most newspaper commentary was favorable to them. Their apparent virtues of usefulness, quietness, and good citizenship were extolled in San Francisco newspapers. Even eventual assimilation with white Americans was not perceived as being out of the question. "The China boys will yet vote at the same polls, study at the same schools, and bow at the same altar as our own countrymen," commented The Alta in May, 1852.[25]

That commentary was overly visionary. Even by 1852 a substantial minority of whites were becoming suspicious of the Chinese. The Sonora Herald, unlike the Alta, acknowledged that though the Chinese were peaceable and painfully industrious, they were living within themselves, rarely attempted to learn the English language, contributed nothing to the wealth of the state, and carried off America's treasure to another land. They were to the Herald, "good," but not "valuable" citizens.[26] Two factors contributed to a revised and remarkably less favorable view of the Chinese after 1852. First, there was a growing realization on the part of the white majority, especially after the state census of 1852, that the number of Chinese was indeed rising rapidly; thereby producing a sort of threat to the dominant culture. A second factor was the increasingly slim finds in the gold country and the exaggerated racial feeling caused by economic competition.

By 1853, the San Francisco Alta was urging editorially that the legislature consider excluding Chinese, a group who now were seen as having more vices and fewer virtures than Negroes.[27] The legislature did consider such a step but backed away in fear of provoking an international incident. Nevertheless, in a tabled joint resolution of 1854, the Chinese were described as "not competent to become citizens of the United States."[28] Although exclusion was not to be insisted on initially, other forms of legal discrimination could proceed. In 1854 the California Supreme Court decided that Chinese and all other nonwhites could not testify against whites in court.[29] Thus the legal status of Chinese was now quite like that of blacks, and the treatment they could expect from the legislature was also similar.

Given the prevailing legal and social climate of the 1850's, one hardly could expect that non-whites would be recipients of free schooling. But given also the norms and expectations for education held by the larger society, that disadvantage was not as great as it would become. The fact is that few children of any ethnic background were receiving much schooling during the fifties. A system of common schools had been mandated in the Constitution of 1849, with each school district obligated to maintain a school for at least three months during the year.[30]

Little was accomplished until late in the decade as the legislature moved slowly in meeting its obligation for providing schools.

The school laws of 1851 and 1852 did provide the outline of a system, including apportionment of the state school fund among the several towns and cities "in proportion to the number of children residing therein between the ages of 5 and 18." Unlike later legislation, no specific reference was made to white children only. Nevertheless, the first state superintendent of public instruction, John G. Marvin, had no difficulty interpreting the meaning of the 1852 School Census Act as including whites only.[31] By 1858, 432 public and private schools were known to exist in the state. Of these, 259 were in session for less than six months; ninety-three for less than three months.[32]

A somewhat slow response from the legislature notwithstanding, local efforts at establishing schools were progressing. Demands for schooling in San Francisco during the early 1850's were more pronounced than the facilities could accommodate. In October, 1853, 1,399 pupils were enrolled. By July 31, 1854 the number had grown to 1,745. Had facilities been available, the board projected that 2,500 of the 2,730 children of school age would have been enrolled.[33] Non-whites, especially Negroes, were not totally ignored. To the extent they were remembered by custodians of the educational system, it was largely the direct result of their own efforts. Those non-whites who were less oriented toward American culture, especially Indians and Chinese, received virtually nothing in the way of public schooling.

Although no political party or citizen group in California during the 1850's was prepared to consider admitting non-whites into public schools on equal terms with whites, the Democratic Party was particularly hostile even to modest proposals. Indeed it was fast becoming the pro-slavery party.[34] Since that party dominated the state house and legislature in California through the fifties, and was largely responsible for such education legislation as was approved, the problem for non-whites was formidable. Even though the state superintendent's office had counted only white children under the School Census Act of 1852, by 1855 the law became explicit about who should and should not benefit from public schooling. Section 18 of the school law provided for the apportionment of the state school fund to the several counties "in proportionment to the number of white children as shown by the census taken by the school marshals." Thus, although non-whites were not explicitly excluded from the schools, the state prohibited the local schools from receiving any state money for their education, or so it seemed.

The law was not without a loophole in that section 3 still provided for apportionment of the state fund to the several counties in proportion to the number of children between four and eighteen years of age "as shown by the last previous reports of the county superintendents. . . " or other designated official.[35] Thus, if non-whites had been counted in the previous census, some county superintendents chose to continue to count them. How widespread the loophole's benefit was to non-whites is not known. Judging from the vigorous rebuke State Superintendent Andrew

Moulder made of those who favored admitting non-whites to public schools in 1858, there is reason to believe some school officials were admitting them.

A southern Democrat, and California's first active state superintendent, Moulder lashed out against "the Negrophilist school of mock philanthropists" who allegedly had found their way into California. "In several of the counties," advised the superintendent, "attempts have been made to introduce children of Negroes into our public schools on an equality with whites." The danger, as Moulder saw it, was the dreaded prospect of amalgamation:

> Until our people are prepared for practical amalgamation, which will probably not be before the millenium, they will rather forego the benefits of our Schools than permit their daughters--fifteen, sixteen, and seventeen years of age plus to affiliate with the sons of Negroes. It is practically reduced to this, then, that our School must be maintained exclusively for white, or they will soon become tenanted by blacks alone.

Lesser concerns, such as a fear of eventual sanctions by blacks against whites if the former ever became educated, were not stated nor apparently felt. Assuming that white citizens would not object, Moulder was prepared to see a portion of public funds devoted to providing separate schools for the "inferior races." In support of his ideas he recommended that the legislature assure that public funds be withheld from any district "that permits the admission of the inferior races--African, Mongolian, or Indian--into the Common Schools." Lest anyone suspect otherwise, the state superintendent disclaimed any prejudice "against a respectable Negro--in his place."[36] To the surprise of no one, the legislature granted Moulder's request to withhold state school funds from erring districts that admitted "Negroes, Mongolians, and Indians" into the public schools. On the positive side, local trustees were for the first time given authority to use public school funds to support separate schools for the excluded minorities.[37]

The precise quantity and quality of education experienced by non-whites during the first decade of statehood can be inferred only from local records and from the commentary of Negroes. That it was inferior to what was offered whites is apparent. Just how inferior ranged from a total absence of any schooling in the case of Indians, to something approaching equality with whites in the case of blacks in certain towns. In San Francisco, for example, Negro school attendance was proportionately pretty close to white attendance during the late 1850's.

From the very beginning, Negroes in San Francisco and Sacramento showed an interest in education at least comparable to the interest demonstrated by whites. They clearly had faith in the capacity of education to lead them to self improvement. Further, some of the more articulate spokesmen seemed to have faith that education would eventually lead to acceptance of their race by whites. To the extent blacks enjoyed any educational opportunities at all during the 1850's was testimony to their initiative and perseverance. Their ideology for the period is best expressed through the records of the first three state conventions of colored citizens held in 1855, 1856, and 1857. Only an unwavering commitment to securing the right of testifying in court occupied greater attention.

The appeal for greater attention to Negro education was directed both at whites and blacks. Several delegates to the 1855 convention urged whites to provide public schools for blacks as a matter of fairness;

after all, Negroes and other non-whites were not ignored by the tax collector.[38] To fellow Negroes the message was simply one of advocating self-improvement of the race through education. Of the three conventions held prior to the Civil War, the 1856 affair was the largest, drawing sixty-one delegates from seventeen counties. It was also the one that discussed the education issue most actively. W. H. Hall of Butte County, president of the convention, challenged the delegates to unite in acquiring knowledge and wealth, imploring them to "educate your children for farmers, mechanics, and other industrial pursuits."[39] A formal resolution approved at that meeting stated the case for education more eloquently, if not quite so pragmatically:

> That the common law, and the common school, are the only hope of a free and enlightened people; the former their shield, and the latter, their guide; and no people can be prosperous and happy who are deprived of these inestimable rights of God to Man.[40]

As of 1856 Negroes were being denied equitable access to both the common law and the common school. Nevertheless, if the spirit and drive could be sustained, there was a general confidence that the goals were attainable. Two of the more visionary delegates even spoke seriously about founding an Oberlin like college for blacks in California, this prior to the founding of a white institution of comparable status. Most delegates, on the other hand, were more concerned with making a concerted effort to encourage the founding of common schools.

Some success had already been achieved in this regard. Initial church and community inspired efforts in San Francisco and Sacramento were slowly being assumed by the local boards of education--but not without considerable encouragement from blacks. When the state balked at providing publicly supported schools for Negroes during the fifties, the local black communities responded initially by providing their own schools in churches. In 1850, one year after the first white churches were founded in San Francisco, the Reverend John J. Moore organized the first African Methodist Episcopal congregation in the West at the corner of Jackson and Virginia streets. By May, 1854 a school was begun by the Negro community in the church's basement. Physically the facility was described by the San Francisco Superintendent of Schools as having an eleven foot ceiling, with floor space measuring fifty by twenty-five feet, being well lighted, well ventilated and having finished walls. Although most whites appeared unwilling to entertain the idea of admitting Negroes to school with whites, they were imbued with a kind of separate but equal concept of fair play that permitted public money--collected from blacks as well as whites--to be used for black schools. Thus, in the same year the school was completed, the San Francisco school board leased the facility, paying the church $50 monthly in advance. Since the school was part of the city system, it also paid the salary of the teacher, John Moore. Between its opening on May 22 and September 1, the school's registration nearly doubled, increasing from twenty-three to forty-four pupils.[41]

In Sacramento the black community's effort to secure public schooling required greater sacrifice and perseverance. Like San Francisco, the first Negro school commenced operation in May, 1854, but unlike San Francisco the initial effort was entirely private during the first year. The teacher, Mrs. Elizabeth Thorn Scott, operated the school in her own home for several months before leaving to be married. After several months without a school, a local Negro school committee was formed under the leadership of Jeremiah B. Sanderson, California's most notable black educator of the 1850's and 1860's. As early as October, 1854 the Sacramento Common Council approved an ordinance authorizing the school board to make an appropriation for a Negro school, and in February, 1885, the board voted to appropriate $50 toward the school's support. On April 18, 1855, Sanderson reopened the facility, but since the board appropriation came no where near meeting the total needs, the black parents assumed responsibility for paying his salary as teacher. In June, Sanderson appealed to the board for additional assistance, this time asking them to assume full responsibility for supporting a school for Negroes. Three months later, anticipating a favorable response, he requested to be examined on his ability to teach should a special public school for blacks be established.[42]

By fall, 1855, the board was actively considering approval of the black community's request. On November 17 a committee was directed to ascertain the amount of taxes paid by colored persons for city and county purposes. Finally, on January 24, 1856, $150 was appropriated for the use of the Negro school during the balance of the term. At the time the school was enrolling thirty children out of approximately eighty eligible for attendance. What was emerging was a kind of quasi public school, with the Sacramento board subsidizing, but not yet fully supporting, the Negro school.

On May 12, 1856, the board appropriated $25 per month for the school's support, having arrived at that figure from calculations of the amount collected in taxes from Negro citizens. Over the next five years the situation improved to the point that by 1861 the board was paying the colored school principal $85 per month, an amount fairly comparable to what was being received by white educators in similar positions. Male grammar principals, for example, were receiving $120 per month, female grammar principals, $90; intermediate principals, $85; primary principals, $80. As a nongraded unit, the black school had children of all grade levels, but few above the intermediate level.[43]

Blacks were being discriminated against through enforced separation. But clearly as well, they were experiencing some affirmative response from white school authorities through their own ability to demonstrate a continuing interest in education, a willingness to push for equitable treatment, and, perhaps most important of all, their demonstrated economic strength. For all their racial prejudice and resolve to resist social equality, white leaders apparently did respect economic strength, even if generated by blacks. They also held a concept of fairness which led them to resist extreme forms of financial exploitation.

Throughout the 1850's, especially in areas outside of San Francisco and Sacramento, the education of all children, whites included, was on a chance basis. Early reports from county superintendents often made reference to the number of children present, but without any indication as to whether or not schooling was taking place. Not until 1865 was a public school for blacks opened in Oakland, though a private one had been established in 1857 by Mrs. Elizabeth Thorn Scott, now Scott-Flood, the same person who opened the school for blacks in Sacramento. By the late fifties and early sixties indications are that schooling for blacks--most of it private--was also being offered on a sometime basis in Marysville, Chico, Nevada County, Grass Valley Township and Red Bluff.

Of the several Negro leaders to emerge in early California, Jeremiah B. Sanderson was the one who focused his principal contribution on education.[44] As a native of New Bedford, with Negro, Indian and Scottish ancestry, Sanderson had obtained a good education, presumably in non-segregated schools. In 1854 he arrived in California, presumably intending only a short stay to improve his financial position before returning home to his wife and four small children in New Bedford. Shortly after arriving in San Francisco he left for Sacramento, assuming his leadership and teaching role there in 1855. How long he remained in Sacramento after 1856 is unknown. He was next heard from in San Francisco where he served as a teacher between 1859 and 1866, with the exception of the 1864-65 term when another teacher was appointed and Sanderson was made principal of the Broadway Colored School. The advancement of Sanderson lasted only as long as the new assistant, a Negro woman, remained in her position. When she resigned and was replaced by a white assistant, the board felt compelled to replace Sanderson with a white principal, lest a Negro be placed in a position of authority over a white person. Sanderson was then transferred to a second Negro school in a different part of the city.

Not outwardly embittered by his experience in San Francisco, Sanderson moved on to Stockton in 1869 where he taught for five years in a newly organized public school for Negroes prior to culminating his career with pastoral duties in Oakland. According to one account, Sanderson's school at Stockton became something of a center of learning for Negro youth, attracting several students from as far away as Los Angeles.[45] In any case, it seems evident that a relatively high but undetermined proportion of the black population was highly motivated for obtaining an education.

Although Negroes were experiencing success in securing schooling, they remained thoroughly committed to obtaining legal equality and the full range of educational opportunities available to whites. Campaigns for these goals would be fought in the decades that followed. The uniqueness of the black experience in securing any education to speak of during the 1850's was not that blacks were esteemed higher by whites than Chinese residents or Indians, only that they were in a position--educationally, culturally, and economically--to challenge those in positions of authority by appealing to their sense of justice and equity.

For all practical purposes public education for Chinese residents was not a fact of life in California during the 1850's. For one thing the Chinese were mainly young working men. Secondly, the cultural contrast between American education and education emphasizing Chinese language and culture preferred by the Chinese was substantial. Nevertheless, a Chinese school was started at San Francisco in September, 1859, under the instruction of Mr. B. Lactot. Although its run as a day school lasted only until June, 1860, it was sustained as a night school for another eight months when the effort was suspended for an undetermined period of time before resuming operation until 1871. Little was attempted and perhaps even less accomplished. The Chinese were taught American goals, but for undetermined reasons, and without any obvious advantage to the Chinese. Certainly Americans were not anticipating the assimilation of

Chinese, nor even admitting them to eventual citizenship. At the same time school leaders likely felt uncomfortable having in their midst a substantial number of residents who enjoyed no educational opportunity at all. A dilemma was evident.

Superintendent James Denman, in reporting on the school's lack of progress in 1859, attributed the failure to the Chinese themselves, and the fact they had no incentive to learn American ways. Its failing was, to his way of thinking, no fault of the school system. In spite of poor attendance and poor accomplishment, Denman was proud to claim that the school was "the first institution of this large class of pagan worshipers."[46]

Until the twentieth century, state and locally imposed discrimination would be a significant public issue only as it concerned Negroes and Asians. The subjugation of Indians was so all prevailing that little public notice was made of it. The few who attended public school while under the guardianship of whites received slight notice. Those who lived on reservations, or who wandered from place to place as they were driven off by whites, were assumed to be the responsibility of the Federal Government. More will be said about their fate in Chapter 7. On the other hand, there is reason to believe that discrimination against Mexican-Americans was not widespread, or at least that it went on largely undetected.

The presence of anti-Mexican sentiment in the mining districts apparently did not carry over into schooling. It was evidently assumed by most influential citizens that the descendents of Spanish and Mexican Californians would be educated in public schools, along with all manner of other white immigrants to the state. In 1851, California's first state superintendent of public instruction, John G. Marvin, estimated that there were between 5,000 and 8,000 children in the state between the ages of four and eighteen. Of these, he guessed that at least one fourth were descendents of Spanish Californians and therefore "unconvinced of the necessities of education." Marvin himself believed that competition with Anglo-Saxons would make the need apparent. After corresponding with clergymen at the missions and with rancheros in several parts of the state, he concluded that Spanish speaking communities should be included in the state school programs, even though their linguistic and religious differences would pose special problems.

In accepting Marvin's report, the Assembly committee on education suggested that he consult with a member of their committee and one practical school man prior to presenting a bill to the legislature. The practical schoolman in this case was San Francisco's most prominent educator, John C. Pelton, founder of the city's first free school. Pelton and his wife had reportedly taught 600 children during their first year in California and had excited considerable notice from the press by calling attention to the mass of school age Californians in need of education, most of them foreign children. Spanish speaking children were portrayed by Pelton as being eager to learn English. The Americanization of Hispano Americans and various immigrants became his primary goal, and one that seemed to be shared by influential members of the community.[47]

Relatively unimportant in the long term history of California education is the fact that a weak school bill did succeed in 1851. More to the point is the realization that Hispano Americans were not early targets of discriminatory educational legislation. Those who remained in California after the American takeover in 1849 were apparently accommodated into the American system. In Stockton, for example, twenty-two of the thirty Mexican children reportedly attended that city's first schools.[48] The Hispano history of California was too recent, the Hispano people too inoffensive and too few in number for any notable reaction to be mounted against them.

CHAPTER II

ESTABLISHING SEPARATE EDUCATIONAL FACILITIES FOR NON-WHITES, THE 1860's AND 1870's

Negroes had been the principal target of school discrimination during the 1850's even as they were the only non-white group to contest their treatment. Though they had experienced some early success on the local level in getting separate public and semi-public schools established in San Francisco and Sacramento, their legislative successes had been negligible. In the succeeding two decades shifts in political power among whites helped blacks achieve some of their more modest goals.

The 1860 Legislature was the last to be controlled by the Lecomptonite or pro-slavery wing of the Democratic Party. It was that legislature that had responded favorably to State Superintendent Andrew Moulder's call for legislation cutting off state funds to any public school daring to admit Negroes, Asians or Indians. As the Civil War drew nearer, and tensions increased between pro-slavery and anti-slavery Democrats, the party itself split into the Lecompton and anti-Lecompton wings largely over the slavery issue and the issue of loyalty to the Union.

As secession by Southern states began, California Democrats had control of the governor's chair, the legislature, and all four seats in Congress. The Democratic split, combined with a dominant loyalist sentiment in the state, assured success for the fledgling Republican Party. Success began with the election of Republican gubernatorial candidate Leland Stanford in 1861, and continued with Republicans gaining control of the legislature for the first time in 1863.[1] That same year they elected Ferdinand Low as the state's first four year governor. Under Low's administration, Negroes were given new consideration in both the state house and the legislature. Though that consideration was not always positive, it would not have to be overwhelmingly so in order to be an improvement over that demonstrated by the previous Democratic administrations.

Historians have not agreed on how to characterize the attitude and performance of the national Republican Party prior to the Civil War. Some have preferred to think of it as oriented strongly toward the abolition of slavery and favoring civil liberties for Negroes.[2] Others have emphasized rather more the preference Republicans had prior to 1860 for restricting the geographical expansion of slavery, but have been less than impressed with suggestions of Republican moral superiority.[3] In California it is clear that Republicans--virtually all of them--were no more the advocates of social equality than were Democrats. But it is also clear that there were significant differences between the two parties, all of which added up to some improved treatment of Negroes under a Republican governor, legislature and state superintendent of public instruction between 1863 and 1867. For other non-whites, particularly the Chinese, there was little perceptible difference between the parties.

Republicans would not have to offer much in order for it to be an improvement over Democratic rhetoric and deeds. True to their party's position, most Democrats opposed all forms of Negro civil rights, including the right to testify in court and Negro suffrage.[4] Republicans, on the other hand, did give overwhelming support to the Thirteenth Amendment in 1865, and in 1867 favored granting blacks all civil rights under the

Fourteenth Amendment. On issues of state concern, it was Republican State Senator Robert F. Perkins of San Francisco who in 1863 successfully piloted through the legislature a bill giving Negroes the right to testify in court. Achieving success on that front had been the number one priority of blacks throughout the 1850's. Politically active, blacks experienced no difficulty perceiving where their support was coming from. Not until 1880, when disillusionment with Republicans first become acute in the minds of some, did Negroes even consider transferring their support away from the Republican Party.

On the issue of equal rights to education, there were differences between the political parties as well. To be sure, no candidate was advocating integrated education. Some, however, were prepared to see opportunities for segregated education expanded. John Swett, California's fourth superintendent of public instruction, and the first Republican to hold that office, was one who advocated the latter course.

The state school superintendency was the only constitutional office up for election in 1862. As different as the positions were between the candidates, they never were quite so different as the race baiting rhetoric of the campaign would lead one to believe. Swett was portrayed by the opposition press as an abolitionist and a supporter of amalgamation. Though he largely ignored the abolition issue, the first charge was probably correct. Amalgamation, on the other hand, clearly was not a position favored by Swett. An article by F. W. Craig appearing in a San Francisco newspaper asked the question, "Have Negroes Been Taught and Classed on Terms of Equality in a Public School Under the Charge of Mr. John Swett?" The article alleged that they had been, in direct disobedience to an order of the San Francisco Board of Education, while Swett served as principal of the Rincoln School. In addition, thousands of illustrated handbills were distributed around the state picturing a Yankee schoolmaster, presumably Swett, teaching a mixed class of whites and blacks with a black youth at the head of the class.[5]

These charges, appealing to the basest instincts of the electorate, apparently had minimal impact. The majority were more concerned with prospects for improved education generally and with Swett's pro-Union sentiment. At the election Swett won big, polling more votes than his two Democratic opponents put together.[6] Unfounded charges aside, Swett favored educating all children, including all non-whites, at state expense, but with non-whites attending separate schools. For the present, Negroes would accept this stance as an improvement over the exclusion practices of the past.

The early 1860's was a time of optimism for black Californians. Political developments were about as positive as could be expected immediately, and poverty was not an overwhelming concern. Even though they were living without political rights, the gap between white and black affluence was not as enormous as it would become in the twentieth century. For the most part, Negroes were tending toward urbanization at a time when urban life held more physical amenities than rural life. Forty-three percent of California's black population, numbered at about 3,721 in 1860, lived in three of the state's largest cities.

A broad range of occupational groups were reported among their activities, including miners, laborers, barbers, servants, sailors, farmers, waiters, porters, whitewashers, washwomen, seamstresses, teamsters, shoemakers, clergymen and businessmen. In 1860, the value of black owned real estate was set at $477,843; black personal assets figured about $317,737. Approximately 32.1 percent of their number were from the upper South, 13.6 percent from the lower South, 13.7 percent from the mid Atlantic states, 7 percent from New England, and 7 percent from foreign countries.[7]

Not only were Negroes achieving reasonable economic gains, they were beginning to meet with some modest success in their struggle for political and educational rights. Their long fought struggle of the fifties and early sixties for the right to testify in court came to a fruitful conclusion in 1863 with passage of the Perkins Bill. Crucial to the bill's success was a substantial political effort made by blacks, including active lobbying by the black press, Franchise League, and Executive Committee.[8]

Having met with success on the issue of testimony, the next major political thrust by Negroes in California and elsewhere was directed toward obtaining the Franchise. But on this question white resistance in California was considerably stronger. A reassertion of Democratic strength at the polls in 1867 sealed the negative fate of that thrust. Only ratification of the Fifteenth Amendment by enough states outside of California led eventually to attainment of the objective. In the area of public accommodations a more modest victory was won in 1864 when, through a series of court suits, Negroes officially gained the right to ride the street cars of San Francisco.[9]

Even as the most frequent and urgent attention of Negroes was being drawn to the testimony and Franchise issues, a desire for improved educational opportunities remained in the first rank of their concern. On numerous occasions during the sixties and seventies, black spokesmen called attention to inequities within the segregated public school system. During the early part of that period the focus was on procuring public education of approximate equal quality. Legal impediments to realizing this goal were objected to. At the State Convention of Colored Citizens of California held in 1865, attention was directed toward a section of the school law which permitted, but did not require, local school commissioners to establish schools for Negroes if fewer than ten Negro children resided in the area.

Even more evident at that meeting was the delegate's concern for improved opportunities in secondary education. On this issue, the Convention was content to raise funds among blacks themselves. Indeed, it deleted a section of a resolution prepared by the Convention's Committee on Education requesting the legislature to endow the San Jose High school for Negro youth. Of the twenty-four resolutions approved at that convention, two had to do with education. One recommended

> ... our brethren to aim at the same high order of education developed among the white race, and to make such persistent claims on the public educational provisions, and to establish such institutions, where necessary and practicable, as will insure to us and our children that desirable condition.

The second resolution was aimed at practical education, it being

> ... the imperative duty of parents, or guardians of children to have them as far as possible, educated in some branch of business pursuits, by which they may be producers.[10]

The black initiated Phoenixonia Institute, founded at San Jose in 1862, already stood as a symbol of success on the secondary school level. Plans for a similar school, to be named the Livingston Institute, were formulated several years later, but were finally aborted on January 7, 1873, because conditions had so changed to make the institute unnecessary.[11]

Conditions were indeed changing, witness the success of Union Republican candidate John Swett in California's state superintendent of public instruction race of 1862. While hardly an outspoken advocate of social equality, his election did give key members of the Negro community encouragement for being able to deal successfully with the testimony issue. Coming a full year before the Union-Republican sweep of 1863, it symbolized a new tide of liberal thought on racial issues. Although integrated education was not a cause championed by Swett, he was able to influence a very modest improvement in the school law of 1864, and a major improvement in the law of 1866. On the question of free public education for non-whites--Chinese, Negroes and Indians--Swett believed that provision for their instruction in separate schools was required by the "dictates of justice and common humanity."[12]

Certain technical features of the law became less inflamatory, while others expanded the mandate for providing educational opportunities for non-whites. Functionally speaking, it is unlikely that revisions produced by the school law of 1864, or even the major legislation of 1866, did much to alter the school conditions of non-whites. Most of these were determined by arrangements black citizens succeeded in making with city school officials. The political, economic and ideological realities of the early 1860's pretty well mandated that Negroes would not be denied education, although this was still legally possible. Neither would they be allowed to attend school with whites.

Like the law of 1860, school legislation approved in 1863 allowed, but did not require, districts to establish separate schools for Negroes, Asians and Indians, and to use public funds for their support. Also like the earlier law, it promised serious retribution in the form of lost state revenue against districts that did admit children of the prohibited races.[13] In 1864 the legislature introduced what likely was an unintentional ambiguity into the law by deleting any mention of a penalty for admitting non-whites into the school. It also added a new phrase requiring that when parents of ten or more "Negroes, Mongolians, and Indians" made a written request for a school to district trustees, such a school would be established. Thus, their option removed, districts were obligated to provide schools for non-whites under the conditions named in the law.

Confusion arose over additional wording that allowed, but did not require, trustees to "establish a separate School, or provide for the education of any less number of Negroes, Mongolians, and Indians, and use the Public School funds for the support of the same, whenever in their judgment it may be necessary for said Public Schools."[14] Superintendent Swett reported receiving "several" letters from trustees asking under what conditions "colored children" could be admitted to schools with whites. Some schoolmen likely had become confused by the phrase "or provide for the education of any less number." In answering the inquiries Swett did not hesitate to come down squarely for segregation:

> The parents of colored children are taxed, and it is just that some provision should be made for their education; but the law requires, and public opinion demands that they should be educated in separate schools.[15]

Swett's statement captures the ideological-boundaries of his commitment to equality of educational opportunity, i.e., he stood for separate but equal--or approximately equal--schools. As one of the nation's several most prominent founders of the common school system, his principal concern was with what he saw as larger matters, namely, the need for a one-half mill tax that could end rate-bill education in California and make "every public school entirely free for every child to enter."[16] The goal was a large one and one that demanded flexibility on other principles. It was also a goal for which he was prepared to expend considerable energy in lobby activity.

It would be the Revised School Law of 1866 that would bring Swett his victory. Given a favorable climate in the legislature, there was even a likelihood that some modest improvements could be made in the educational opportunities provided non-whites. Thus the new legislation permitted a local school board, by majority vote, to admit into schools for whites "half-breed Indian children and Indian children who live with white families or under the guardianship of white persons." Other non-whites would be allowed to attend school with whites only if a school district could not provide for their instruction in any other way. Under that circumstance local trustees would have to approve the idea by a majority vote, whereupon their decision would stand unless a majority of white parents objected in writing.[17]

By Swett's own account, the new legislation did not bring Negro children into the schools. Much to his chagrin, a Senate amendment to the bill giving trustees authority to admit non-whites into the school passed by a vote of twenty-five to five. The Assembly, however, refused to concur, thereby temporarily endangering the entire bill. Doubtlessly Swett could have lived comfortably with the amendment, but it was not something he viewed as worthy of fighting for at the risk of endangering his landmark legislation.[18] The people of California were, as he reported in 1867, "decidedly in favor of separate schools for colored children."[19] Happily for Swett, but not for blacks, the Amendment was successfully deleted from the final version of the bill.

TABLE 2. CHILDREN AGES 5-15
ENROLLED IN CALIFORNIA SCHOOLS, 1866

Total number in population	Race	Number attending public school	Percent attending
82,324	*White	37,623	45.70
625	Negro	247	39.52
1,093	Indian children living under white guardianship	63	.57
Unknown	+Oriental	12	--

SOURCE: California, Department of Public Instruction, The California Teacher 4(January, 1867), 128-29.

*An additional 15,569 white children attended private schools, as did 75 black children.

+Identified as "Mongolian" in the original.

Several social and political developments spelled defeat for the Republican ticket in 1867. An end to the Civil War, improved unity in the Democratic Party, and the arrival of numerous new residents, including many Chinese, all were factors. Swett too was a casualty, losing to the Rev. O. P. Fitzgerald, the same Breckenridge Democrat who had finished third and last in the 1862 election. The people did, to be sure, prefer "separate schools for colored children."

Such was less the case with legislators and the public at large. As innocuous as the 1866 school law was on the race issue, it was too progressive for a majority of state legislators in the years immediately ahead. By 1870 two changes of note occurred. First, sparked by racist attitudes against an increasing number of Chinese, no reference at all was made in Sec. 56 to "Mongolian" children, the clear implication being that they should be excluded from participating in the benefits of public schooling. Second, no reference was made to the possibility, remote though it was, that blacks and Indians might be admitted to school with whites if local trustees chose to accommodate them in that manner. In this respect the 1870 law resembled more closely the law of 1864 than the one of 1866.

In all school legislation approved during the 1860's there was enough societal sanction to permit local boards of education to provide publicly funded schooling for non-whites if they sought to do so. Most towns with any concentration of Negro residents did provide them with some publicly assisted segregated schooling. State sanction was particularly important in getting the smaller towns to provide separate facilities after 1866. Another potent factor in their eventual success was the Negro community's own determination to negotiate with local officials in the interest of obtaining schools. Further, though its implications often seemed to be suppressed by policy makers where non-whites were concerned, there probably was enough commitment to the American Creed to permit at least a grudging adherence to the separate but equal doctrine.

During the 1860's the number of Negro schools increased slowly, from five in 1863 to six in 1864, eight in 1865, sixteen in 1866 and 1867, seventeen in 1870, and twenty in 1871. The peak was reached in 1872 when twenty-four separate schools were provided for Negro children. Two years later after the California Supreme Court, in the case of Ward v. Flood, held that blacks legally could attend school with whites, the number began to decline, reaching fourteen in 1877, and eventually none by the early 1880's.[20] Prior to that time, while the number of schools was still increasing, so did the enrollment. Of the sixteen schools operating in 1866, the smallest enrolled nine pupils (Del Norte); the largest was San Francisco with 110 pupils. Average enrollment was twenty-five. Changes in the law during the 1860's apparently did stimulate the actual establishment of many schools for Negroes. Although the law tended to lump Asians, Indians and Negroes together as targets of discrimination, other cultural and environmental factors operated to assure that only Negroes among non-white groups benefited from public education. With only the rarest exceptions, Indian and Chinese youth were shut out.

Although San Francisco was California's leading city and enrolled more children in its schools than any other in the state, the educational opportunities provided the Negro population ranged from fair to poor and was subject to precipitous, often politically inspired changes. Blacks were never pleased with segregated facilities, but they endured them for a time, especially in those years when the accommodations were tolerable. Some of the city's school leaders were sensitive to the need for providing Negroes with treatment approximately equal with whites. Others were less inclined to do so. George Tait, who served as superintendent between 1861 and 1865, did believe in the notion of equal accommodations. In 1863 he observed that, while the black school in the African Methodist Church basement was being well attended, the room itself was "disgraceful to any civilized community." To correct this problem he recommended construction of a more adequate facility in a central location. Tait was neither able nor prepared to solve the other problem he observed, namely scholarship of "not more than ordinary merit," which he attributed to the ungraded nature of the school.[21]

By early 1864 the school was relocated in a new and better facility on Broadway near Powell Street, now containing two well furnished classrooms, one for a primary class, the other for older pupils. With a better facility, improved organization, and a second teacher, the black community responded with improved attendance. Immediately following the move average attendance increased from 58 percent to 79.1 percent.[22] Over the next several years, through the end of Tait's term, attendance remained at a comparatively high level.[23]

In commenting on the quality of education at the Broadway Colored School, Tait was predominately negative in his evaluation, noting that while the school had made "considerable progress," the instruction and "mental discipline afforded" suffered by comparison to the other schools. The poor results he attributed to inferior educational opportunities rather than to inferior minds:

> As but one school is open to all the children of our colored people, among whom are found not a few heavy taxpayers, it would seem but just that this school, of all others, should have the services of teachers thoroughly educated, and chosen with special reference to the requirements of the school.[24]

It is doubtful that Tait intended to criticize the school's teacher and California's most prominent Negro educator, Jeremiah B. Sanderson. Indeed, although his career at the Broadway Colored School was cut short for the reason discussed in Chapter I, Sanderson was made the school's principal for the 1864-65 term, with a Negro woman, Miss P. Stewart, serving as his assistant. Superintendent Tait's good intentions notwithstanding, there is no reason to believe that the school for Negroes was ever given superior teachers. At the same time, apparently there existed a prevailing concept of equality which entitled "heavy taxpayers" to be served equitably--even if they were black.

It was in 1866 that the Broadway school was visited by State Superintendent Swett. In reporting the results of this and other visitations, Swett was not given to offering unwarranted praise, and sometimes offered scathing indictments against the schools he visited. On this occasion, however, he reported finding eighty pupils in attendance, including thirty-one in the Grammar Department and forty-nine in the Primary Department. Both departments were found to be in "good condition," and compared "favorably with other schools."[25]

This likely was the high point for segregated education of blacks in San Francisco. Relocation of the main black school on Russian Hill at Vallejo and Taylor, combined with closing of the Fifth Street School, served to embitter blacks. Although the new location was described by Superintendent John Pelton as a "more central portion of the city," and was allegedly selected in order to make attendance more convenient, another reason, likely the only important consideration, was that its proximity to the Broadway Primary School was found objectionable by whites.[26] In any case, given the absence of street cars or jitney buses, it is unlikely that any children or parents appreciated the "convenience" of walking up the steep Russian Hill, especially during the rainy season.

As reflected in reports of the San Francisco school superintendent immediately before and after the Ward v. Flood decision of 1874, it is apparent that Negroes were not going to accept the separate educational facilities provided them by San Francisco authorities. After observing that many Negro parents would not be content until their children were attending school with whites, Superintendent James Denman observed that it would be better for blacks "to unite with officers of the School Department in laboring to elevate the character and usefulness of their present school." Additional segregated schools would be offered them as soon as their numbers warranted the expense.[27] From November 14, 1871 to August 3, 1875, a second facility for Negroes, Howard Street School, was reinstituted in San Francisco. But by that time it was too late to impress the intended constituency.

Eager to have desegregated schools, the black community simply failed to support the two segregated ones. With one of the highest monthly costs in the city, $4.26 per pupil in 1870, the Negro schools were proving expensive.[28] In 1867 the single black school had cost only $1.43 per pupil per month to operate, an amount slightly higher than the cost of most primary schools, but a little lower than most grammar schools. Given that over sixty percent of the enrollment was on the primary level, the Negro school of 1867 was not proving to be an economic burden.

By 1869-70 this was changing. Still, most San Franciscans, certainly the Board of Education, were willing to bear the small additional expense in the interest of continued segregation. Nevertheless, the costs were being noticed. While still a supporter of segregation, Superintendent Denman pointed to the costs in 1874 before observing that Negroes would be "satisfied with nothing less than the admission of their children into the other Public Schools of this City."[30]

Racist attitudes had sustained segregation for twenty years in San Francisco. Legal challenges, general displeasure from blacks, and high costs in an atmosphere of economic stringency, convinced the board to reassess its position. By 1874 it was doing so in earnest, and on August 3, 1875 it finally obtained the majority needed to reverse its historic segregation position. There were indeed some practical limits on how far the white leadership was willing to go in indulging racial prejudice. With only about a hundred Negro children to be concerned with, the price of segregating them was simply too high. Specifically, in 1874-75 the per pupil cost of operating the Howard Street Colored School was $126.92, and $62.50 for operating the Vallejo Colored School. Except for the grammar and high schools, these costs were well above average for the district. In admitting his original opposition to desegregation, Superintendent Denman confessed:

> While I was opposed to the change, it is gratifying to report that it has been made without any conflict of races among the juvenile populations. The pupils of different races and colors are now seated in the same school room and pursue their studies as quietly together as if they were children of the same family.[31]

Sacramento's record of providing public schools for blacks was similar in many ways to that of San Francisco. Dating from 1854, the Sacramento experience featured an early history of quasi-public schools, with the building, furnishings, and supplies provided by the parents; the teacher's salary, first part of it and later all of it, paid for by the school board. Two floods and a fire during the early 1860's forced the Negro community to rebound repeatedly in the interest of keeping their school going. Like California at large during Civil War days, the political climate in Sacramento was volatile. Still, regardless of their political persuasion, most trustees were prepared to grant the Negro school some local funds, usually an amount based on the tax revenue collected from black residents. For Sacramento the transition from city subsidized segregated schooling to fully city financed segregated schooling came in 1864. Again, as was the case with all previous advances, the action was in response to a request initiated by blacks.

On February 29, Negro citizens presented a petition to the board requesting that their school be placed on the same financial footing as other schools in the district. Several factors allowed for success. First, there is evidence that Sacramento blacks were in a strong position economically, a factor which proved an impressive argument to the board committee that studied their request. Statistics made available to the board showed that fifty black property owners owned 100 lots of real estate in Sacramento, while paying city and county taxes in the amount of $2,500 annually, not including license fees. Only about fifty black children were present in the city, and of these, thirty were registered in the school.[32]

In light of these favorable pragmatic considerations and its own moral position, the committee stated:

> That these children should be educated, at least in all the substantial English branches, does not, in our opinion, admit of a doubt. If, however, any of our fellow citizens differ with us on this abstract question, we shall not stop one minute or write a single paragraph to defend the position we assume. We take it for granted, and in this we have full confidence, that the board unanimously concur. ...Former boards have recognized the justice of the principle here contended for, but have met it with a species of compromise of which the colored people have a right to complain.[33]

Save for the fact that the black school remained non-graded, the board responded by placing the school "on the same footing in all respects" as the district's other schools.

In most tangible ways, except for the physical structure of the school house, there is reason to believe that an effort was made to implement a separate but equal system. City wide attendance figures for black and white schools were practically identical, both hovering around the 70 percent figure, with black attendance only a point or two lower. Salaries were also quite closely in line through the middle and late 1860's and early 1870's, with the colored school principal receiving $900 per year, compared to annual salaries of $800 for the primary principals, $850 for the intermediate principals, $1,500 for the grammar school principal, and $1,650 for the high school principal. On this score Sacramento's record was likely the best in California. In most other cities the colored school principal was paid at or near the bottom of the range for principals, but generally an amount close to the rest of the teachers.[34] On per pupil costs, approximate parity was also realized, the figures for 1865 being as follows: Primary, $10.95; Intermediate, $16.90; Colored, $27.52; Grammar $29.60; High, $61.10.

Arguments against the deleterious educational and psychological effects of separate schools were hardly positions Negroes felt able to advance in 1870. As equitable as the separate but equal system appeared to be, and Sacramento likely was the best model in California, it did have one fatal flaw. That occurred on the level of secondary training. There simply was no way that a single teacher, however competent he might be at the primary or intermediate level, could also do justice to the full range of grammar and high school subjects.

The principle of admitting Negroes into Sacramento's grammar schools became an issue in the school election of December, 1873. When the votes were counted, the racist position had prevailed, even with community knowledge that a dual school system on the secondary level would be expensive. A new superintendent, A. C. Hinkson, and two new school directors, all Democrats, were elected. On January 7, 1874, Hinkson ordered the grammar school principal not to admit any Negroes or Indians into his school. The problem was that this order was in direct conflict with a policy adopted by the former board on December 29, in response to applications made by two black girls. The principal refused to comply with the order and was fired, later being reinstated by the board. What emerged was a power struggle between the board majority--still controlled by those Republicans who had not been up for reelection--and the newly elected members, including the new superintendent. Necessarily, given the composition of the board, on a series of five to two votes, the Republican majority prevailed, and the original position permitting Negroes into the grammar school and high schools was reaffirmed.

The forces of prejudice found themselves in an untenable position. For one thing, their stand was inconsistent with the recently approved Fourteenth Amendment to the U. S. Constitution, a principle not taken lightly by the board majority. Even an element of humor was present in the board's manipulations. One resolution claimed that the earlier December resolution which had permitted Negroes into the grammar school was "a palpable violation of the statute of this State." An amendment to the same resolution, approved by a six to two vote, added the words: "But is in strict harmony with the constitution and laws of the United States."

Constitutional principles aside, there was also the pragmatic matter of costs. It was becoming increasingly clear by December 28, 1864, the date the matter was finally resolved, that separate but equal facilities would have to be equal--even on the grammar and high school levels. This simply was not economically feasible in a city with no more than a few black youths ready for secondary education. For most of the community, given any moral leadership by the school board at all, the price of extreme racism was simply too high. One trustee did propose construction of a new four room school and the hiring of an additional teacher in order to make the separate but equal concept a reality, but this notion was rejected as impractical. A renewed effort in July, 1875 to reinstitute segregation on the secondary level also proved unsuccessful. On the other hand, with no potent legal or economic mandate for change, the segregated elementary school was retained until the end of the decade.[35]

Elsewhere in California the white response to black schooling favored segregated facilities whenever practical. But wherever impractical, the option of exclusion was preferred, with admission of blacks into white schools becoming a more frequent third option by the mid 1870's. Such was the case in Santa Clara where one eleven year old black girl was admitted to school with whites in 1875.[36] San Jose, with a much larger number of black youth, followed the segregationist practices of San Francisco and Sacramento, but held on to the practice throughout the 1870's. Marysville, on the other hand, had a small but apparently cohesive Negro population. Of the thirty-eight students enrolled there in 1875, the number who attended regularly, i.e., "average number belonging," to use the state's term, was twenty-three. This was likely the highest ratio of attendance to number belonging among Negro communities in California. By the mid seventies students remained at the Negro school until they reached the intermediate level, at which time they were admitted with whites.[37]

Stockton clung to its separation policy through 1876. On one occasion the superintendent even went to the trouble of securing a Negro youth's admission to the high school in San Francisco rather than press for the student's admission in Stockton. In 1877 appeals from black citizens for an end to segregation were put in the form of a resolution by one trustee, whereupon it was met with an immediate counter appeal for postponement by twenty-five whites. Nevertheless, later in the year Negro youth were finally admitted into the two highest grammar grades. Success in that venture led to a general abolition of all separate schools in Stockton by 1879.[38]

In the southern town of Los Angeles, segregation was a way of life and likely remained so until a legislative mandate required an end to the practice in 1880. John Swett's account of his visit there in 1865 included the following description of the place:

> There is also a small school of fifteen negro children of all the shades arising from blending all the primary colors of Spanish, American, Indian, and African parentage. They are engaged in the pursuit of knowledge under difficulties, as their little room of ten by fifteen feet has neither desks, blackboard, maps, charts, nor any kind of furniture, except a line of rough board seats without backs, around the walls.[39]

Ten years later, City Superintendent William T. Lucky reported that a school for Negroes was still being maintained, apparently in a fashion comparable to the better segregated schools in the northern part of the state. The teacher was being paid $80.00 per month. Average daily attendance was nineteen out of an average number belonging of twenty-three and an enrollment of only twenty-five. Like other schools in Los Angeles, the Negro school was maintained ten months a year. As to the acceptance of the arrangement among blacks, either the Los Angeles situation was markedly different, or Superintendent Lucky was out of touch: "So far as I have heard an expression of opinion," said he, "the negroes /sic/ prefer a separate school, provided their children have the same advantages that white children have."[40]

Superintendent Lucky's impression aside, there was considerable stirring for an end to segregated schooling among Negroes in California during the early 1870's. Direct appeals to local officials, together with appeals to the legislature and courts, all were part of the campaign. Although the school law of 1870 seemed to assure segregated schooling for non-whites, historical events combined during the coming decade to curtail segregation mandated by law. One development of long range significance was national approval of the Fourteenth Amendment in July, 1868, and the Fifteenth Amendment in March, 1870. Potent though this factor was, its short term impact was felt mainly in arguments made by Republican politicians who were on the losing side of key school issues. A massive reservoir of racist feeling was able to withstand early pressure for change, but that pressure did increase and ultimately prevailed.

In light of where the two major political parties had stood on the slavery issue and civil liberties, it was to be expected that blacks would remain loyal to Republicans after receiving the Franchise. Certainly Republicans were not about to let blacks forget which party had supported their historic struggles, witness the reminder included in the Republican platform of 1871 that "none will regret the act of justice by which the Republican party gave to them /Negroes/ by constitutional guarantees civil and political equality."[41]

After achieving success on the testimony and Franchise issues, the latter having been won on the national level without support from California, the state's Negro leadership turned to equal rights in education as their top priority. During the gubernatorial campaign of 1871, they called considerable attention to their plight in obtaining schooling, and successfully won at least rhetorical support from the Republican Party and its successful candidate, Newton Booth. Booth had openly sought black support, and stated in his inaugural address that "the door of our schools should be opened to all, with no prejudice of caste without and no sectarian teaching within which will prevent any child from freely entering."[42] Booth's indifferent performance and lack of power did not lead to an early realization of this goal. On the other hand, his election did give Negroes encouragement. For one thing, he appeared sympathetic to their cause. For another, in spite of small numbers, Negroes had provided Booth with a significant fraction of his winning margin, evidence of their newly found political power.[43]

Organized Negro opposition to segregated schooling began in the spring, 1870 when sixty-nine San Francisco parents signed a letter declaring their goal of having all city schools opened to colored children. For all its inequality, at least there was segregated education available in San Francisco. Oakland, on the other hand, provided blacks with an immediate and urgent challenge. It also served to lay bare one of the major frailties of California's school law and exposed the potential dilema faced by school boards with fewer than ten Negro children. The exit from Oakland of black families in 1871 brought the number of eligible black youth to about eight, fewer in any case than the ten required by law before a local board was obligated to provide a separate school. With a choice between desegregation, a separate school for only a few Negro children, or a total denial of educational opportunity, Oakland officials stumbled into the last choice before reversing themselves and accepting the first.

Having first rejected a pro-segregation proposal offered by one of its members in early October, 1871, a desegregation stand was taken by the board in early January, 1872. Throughout the period Negroes were engaged in organized political activity to secure their rights, some of it directed at the Oakland board, but most directed at the legislature. Early equivocation by the board apparently served to strengthen the Negro leadership's resolve to do everything legally possible to force desegregation. Included in that strategy, as revealed by Phillip A. Bell in the Pacific Appeal, was the probability of a court test.[44]

In November, 1871, Bell, along with Jeremiah B. Sanderson, who was teaching in Stockton at the time, hastily organized an educational convention to meet in Stockton for the purpose of laying plans for pressing their equal education objectives. In the legislature, where the principal effort was directed, success was not forthcoming. In spite of a sympathetic governor and a few friendly lawmakers, two bills embracing Negro aspirations for desegregation were unsuccessful. All that emerged in the school law of 1872 was a reaffirmation of segregation.

Unable to achieve success in the legislature, the only remaining large forum for obtaining relief was through the courts. Oakland no longer could be the target. Indeed, the Oakland board had gone on record in January, 1872, favoring legislative efforts at abolishing separate schools. San Francisco, on the other hand, remained large, close and vulnerable. Through careful planning begun at the November convention in Stockton, the Negro leadership organized a formidable court challenge, including a broadly based fund raising effort and the retaining of a highly reputable white attorney, John W. Dwinelle. By early July, 1872, several Negro parents apparently attempted to enroll their children in the "white" public schools of San Francisco. Their collective lack of success was then reviewed by attorney Dwinelle, who selected the experience of Harriet A. Ward, mother of Mary Frances Ward, as the best one on which to build a case.[45]

On September 24, 1872 Dwinelle brought the case to the Supreme Court of California, alleging that the school principal, Noah Flood, violated Mary Ward's rights under the Thirteenth and Fourteenth Amendments to the Federal Constitution by denying her admission to the school nearest her home. To the chagrin of Dwinelle, the Court, whose decision was written by Justice C. J. Wallace, saw the matter differently:

> --in the circumstances that the races are separated in the public schools, there is certainly to be found no violation of the constitutional rights of the one race more than of the other, and we see none of either, for each, though separated from the other, is to be educated upon equal terms with that other, and both at the common public expense.[46]

Although this decision was rendered twenty-two years prior to the U. S. Supreme Court's landmark separate but equal pronouncement in the case of Plessy v. Ferguson, it was itself a clear pronouncement of that doctrine.[47]

There was a silver lining in the decision. The Court did insist that "unless such separate schools be in fact maintained, all children of the school district, whether white or colored, have an equal right to become pupils at any common school organized under the laws of the State ..." This requirement, coupled with the realities of finite economic resources and a sparse black population, took California blacks quite a way down the road toward desegregation prior to the legislature's eventual affirmative response in 1880.[48]

As far as the Negro community was concerned, it was this silver lining in the Ward case that they emphasized. Efforts to secure a favorable response from the legislature continued. As in 1872, a few Republican members were willing to support legislation eliminating the dual school system. Two months after the Ward decision was known, the legislature accepted a recommendation of the code commission that children of African descent and Indian children should be admitted into schools for white children if separate schools were not provided for them.[49]

Clearly the battle for desegregated education was being waged by Negro citizens and a few of their white supporters in the legislature and the press, but without public support from school leaders. All manner of issues were of greater concern to school leaders than desegregation, e.g., compulsory attendance, textbook selection, teacher institutes, the merits of coeducation and the value of vocational subjects in the curriculum. After the service of segregationist State Superintendent O. P. Fitzgerald (1867-1872), holders of that office were remarkably silent on the issue of segregating Negroes, and generally had little more to say about segregating other groups.

Although a basic hostility toward non-whites can be seen in educational policy formulation and implementation throughout the 1860's and 1870's, the principal target of that animosity shifted somewhat over the years. During the 1860's, and especially in the 1870's, white sentiment toward the Chinese deteriorated badly. Republican philosophy and politics was serving to moderate anti-Negro feelings, but it had no such ameliorating impact on the way Californians viewed the Chinese. As early as 1862, Governor Stanford shared his concern over the "numberless millions" of "dregs" coming into America from Asia.[50] Repression of Chinese immigration was agreed to by almost everyone, except some Christian missionaries and the Central Pacific Railroad, the latter being a principal user of Chinese labor in laying track. Even Negroes, who had problems enough of their own, were not about to champion the cause of the Chinese. Through the early seventies the hostility seemed to be coming primarily from Labor organizations who claimed injury from Chinese competition, but by the time of the second constitution in 1879, the feeling was practically unanimous.

TABLE 3. 1860 AND 1870 CENSUS FOR SELECTED CITIES BY RACE

	1860 Census					1870 Census			
City	White	Free Colored	Indian	Half-Breed	Asiatic	White	Colored	Indian	Chinese
Sacramento	12,378	394	25	--	--	14,485	418	9	*1,370
San Francisco	55,626	1,176	--	--	--	136,059	+1,330	54	12,022
Oakland	14,429	18	4	--	92	10,142	55	1	906
San Jose	4,529	50	--	--	--	8,270	105	--	714
Stockton	3,586	93	--	--	--	8,820	165	5	1,076
Los Angeles	3,854	66	446	10	9	5,349	93	114	172
Santa Ana	625	--	121	10	--	1,427	2	1	15
San Diego	459	4	268	--	--	2,234	1	2	63

SOURCES: U. S., Census Office, Eighth Census of the United States, 1860 (Washington, D. C.: Government Printing Office, 1864), pp. 29-31; Ninth Census of the United States, 1870, vol. I: Population (Washington, D. C.: Government Printing Office, 1872), pp. 89-92.

NOTE: The classification 'white' includes Mexican immigrants and their descendents. Only in the 1930 census were Mexicans classified separately from other whites.

*Includes 1 Japanese.

+Includes 8 Japanese.

With a totally different cultural orientation from blacks and whites, the Chinese were viewed by whites as a strange and isolated immigrant group. A desire on the part of Chinese to maintain cultural homogeneity helped to reinforce this perception. Most educators at first viewed the Chinese as something of a curiosity, hardly as objects of wrath. State Superintendent Swett wanted them treated in the school law as Negroes and Indians were treated, that is, educated in separate publically supported schools. Other brief references were made to their curious ways by later superintendents through the state department of education's official publication, The California Teacher.

The longest article on the Chinese to appear in that journal was a sympathetic descriptive piece by the Reverend A. W. Loomis. With so many admirable qualities, Loomis felt certain that the Chinese could succeed if only China would "throw away all her treasured literature... and would adopt the English language, and thus enter into the treasures of knowledge to which this medium would give them access."[51] Prior to 1870 most recorded testimony from California educators was at least a little equivocal on how to deal with the Chinese. Educators were unwilling to heap abuse on them, but so too were they unwilling to champion their cause. Both nationally and in California, 1870 is the year most often identified by historians as the time when anti-Chinese forces, led by organized labor and the Irish press, first achieved a high degree of popular support.[52] It was also the year all mention of them was deleted from the California school law. For all intents and purposes school districts were excused from responsibility for educating "Mongolian" children. Over the next fifteen years exclusion would be virtually complete. San Francisco, the center of Chinese population on the West Coast, closed its only public school for Chinese in February, 1871.

Only in San Francisco was public schooling for the Chinese ever attempted. There, beginning in September, 1859, a city supported school operated with some interruptions until 1871. During the first of those years a day program was maintained, giving way in most years to an evening school, with the exception of 1866-67 when no public school at all was provided. Precisely what was provided depended on the whim of the board or superintendent or both. While George Tait served as city superintendent during the early sixties, the Chinese school reached its peak of administrative support. In 1862-63, two sessions took place, one in the morning for children and another in the evening for both children and adults.[53] Throughout its operation school officials attributed the school's poor attendance to the students' employment. Rarely did attendance exceed thirty out of an enrollment of between one and two hundred. That problem, plus an alleged failure of the Chinese to appreciate the finer things in American life and learning, were generally the reasons given for the system's failure to make adequate provision for their training.

Superintendent John Pelton, Tait's successor, did take the liberty in 1867 to point out the extent of Chinese wealth in the city, and the amount paid by the Chinese in taxes, one-twentieth of the city's total. For the school fund alone it amounted to $14,000 annually. Coming at a time when the school board had totally ignored Chinese education during the previous year, Pelton explained that simple justice required that at least some small portion of the school fund go to the Chinese. To enhance the likelihood of Chinese attendance, he suggested building a new school house in the vicinity of Sacramento and Powell Streets.[54] Although his suggestion was not followed, the evening school was reinstituted later in the year at its former location.

Beginning with James Denman, Pelton's successor, support for the Chinese school declined noticeably, until it was discontinued less than a year after passage of the 1870 school law. Like Negroes, the Chinese had wealth, more than enough to generate tax revenue adequate to cover the comparatively high cost of maintaining a separate school for their benefit.[55] As far as state and San Francisco school officials were concerned, the Chinese cause simply was not worth the trouble. Support where it was to be found, e.g., from Swett, Tait, Pelton, was not sufficiently deep, nor did the sympathizers possess the power, to spark a switch in public attitudes about Chinese education. For most educators, whose own attitudes did not rise beyond the prevailing norm of the general population, the exclusion of Chinese from the schools was a perfectly acceptable policy, one they felt comfortable implementing without any special encouragement.

The clearest disadvantage suffered by the Chinese was a lack of political power and an apparent lack of know-how and desire to compete in the political system. Exclusion from a public school, especially when that school had a heavy American and Christian orientation, was not seen as a great loss. Indeed, when the end of public schooling came, only about twenty children were attending regularly in San Francisco. Most Chinese were taught to read and figure in Christian missionary schools or other private schools. Their parochial motives aside, Christian missionaries proved to be the staunchist defenders and protectors of the Chinese in California.

In the presence of wide-spread prejudice and fear of an alien culture by school boards and the public at large, private education became the only viable form of instruction open to the Chinese of San Francisco. Outside the city it was simply the only form. In 1865 the Sacramento superintendent suffered briefly with the dilema of what to do with twenty-four Chinese children between the ages of four and eighteen. "Will it not be cheaper to educate, instruct, and save them now," he wondered, rather than "punish them or suffer from their degradations hereafter?"[56] Clearly the public at large, represented by their board of education, was not going to assume responsibility. There remained the Christian philanthropists. Happily, the Sixth-Street Methodist Church had already taken up the challenge, but aid from other congregations was sought as well. "Cannot other denominations follow suit," asked the public school superintendent, "and a half dozen schools be started instead of this one?"[57] Similar ventures, with classes scheduled two days a week or on Sunday only, were organized in San Jose and other northern communities.

With the dawning of a new decade and the coming of a second California constitution in 1879, Negroes were on the brink of winning legally mandated desegregation of public schools. For Chinese residents, no end of the exclusion policy was even in sight.

CHAPTER III

ASIAN EXCLUSION AND SEGREGATION AT THE TURN OF THE CENTURY

No group in California was more the target of discrimination during the 19th century than the Chinese. On strictly racial grounds, i.e., the antipathy of whites toward assimilation, the Chinese disadvantage was no greater than that experienced by blacks. But several other potent factors combined to make their early problems even more serious. Although Japanese immigrants arrived in California too late to share the full extent of white wrath aimed at the Chinese, they largely inherited and shared in the considerable hostility directed at Asians during the twentieth century.

It would be a highly dubious proposition to suggest that whites feared racial amalgamation with Asians more than with Negroes. Yet Negroes, while being denied social equality, were citizens of the United States, and by the late nineteenth century they were being accorded most legal rights common to other citizens. The Chinese, on the other hand, were neither citizens nor accorded many rights. Negroes were forced to accept segregated schools during most of the 1870's, but were admitted to largely desegregated ones from 1880 through the end of the century. The Chinese were not. One obvious explanation is that the Chinese were immigrants possessing vastly different cultural experiences. This in turn shaped their behavior and influenced the response they were accorded by white Americans.

Given a broadly based racial prejudice against non-whites, including the belief that all non-whites were inferior, there were at least two other major factors that determined the fate of Asians in California. Both had much to do with whether Chinese and Japanese immigrants were looked upon as quaint and curiously different people, or as a threat. One was population density; the other economic competition. Not only were Chinese immigrants the only large group of non-whites sharing the cities with whites in late 19th century California, but they were heavily concentrated in one city--San Francisco. Table 4, based on data extracted from the U.S. Census, helps to point this out.

TABLE 4. 1880 AND 1890 CENSUS FOR SELECTED CITIES BY RACE

	1880 Census				1890 Census				
City	White	Colored	Indians	Chinese and Japanese	White	Negro	Civilized Indians	Chinese	Japanese
Sacramento	19,180	445	4	1,781	24,201	401	6	1,753	25
San Francisco	210,496	1,628	45	*21,790	270,696	1,847	31	25,833	590
Berkeley	--	--	--	--	4,968	11	--	103	19
Oakland	31,973	593	7	+1,982	46,823	644	85	1,123	85
San Jose	11,834	91	8	634	16,759	184	11	1,105	11
Stockton	9,392	199	4	687	13,629	229	6	559	6
Pasadena	--	--	--	--	4,723	75	--	84	--
Los Angeles	10,379	102	97	605	47,205	1,258	26	1,871	26
Santa Ana	--	--	--	--	3,591	6	--	31	--
Riverside	--	--	--	--	4,426	82	52	121	2
San Diego	--	--	--	--	15,081	289	104	676	9

SOURCES: U. S., Census Office, *Tenth Census of the United States, 1880*, vol. I: *Statistics of the Population* (Washington, D. C.: Government Printing Office, 1883), p. 416; *Eleventh Census of the United States, 1890*, pt. 1 (Washington, D. C.: Government Printing Office, 1895), pp. 452-52.

NOTE: The classification 'white' includes Mexican immigrants and their descendants. Only in the 1930 census were Mexicans classified separately from other whites.

* County data used. Includes 21745 Chinese and 45 Japanese.

+ Includes 1947 Chinese and 8 Japanese.

Even a cursory study of racial tension involving Chinese and Japanese immigrants in California reflects a strong correlation between population and the extent to which the groups were targeted for ill-treatment. Prior to 1890 the Chinese were practically the only Asians in California, and California was the only state with a substantial Asian population. Indeed, seventy percent of the total Chinese population of the United States lived in California.[1] After 1890, as the population of Chinese declined, and that of Japanese increased, the latter began to assume the brunt of white abuse. The comparative population totals of Chinese and Japanese in California is reflected in Table 5.

TABLE 5. CHINESE AND JAPANESE
POPULATION OF CALIFORNIA, 1860 - 1920

Race	1860	1870	1880	1890	1900	1910	1920
Chinese	34,933	49,277	75,132	72,472	45,753	36,248	28,812
Japanese	--	33	86	1,147	10,151	41,356	71,952

SOURCES: U. S., Census Office, Eleventh Census of the United States, 1890, pt. 1 (Washington, D. C.: Government Printing Office, 1895), p. 401; Bureau of the Census, Fourteenth Census of the United States, 1920, vol. II: Population: General Report And Analytical Tables (Washington, D. C.: Government Printing Office, 1922), p. 37.

In spite of their sequential arrival in California, and the historic cultural differences that separated them, white citizens were not given much to differentiating between Chinese and Japanese immigrants. Both were often seen as "Mongolians" by state officials. Both were targets of exclusion legislation efforts by the Asiatic Exclusion League, and eventually by both major political parties in California. Both were victims in common of segregated educational facilities. To be sure there were differences as well. For one thing the Japanese came too late to experience total exclusion from the public schools of San Francisco between 1871 and 1885. Their own circumstance and the contingencies of international politics gave them an early advantage over the Chinese, much of which would be lost during the 1920's and later.

By the early 1850's it was becoming apparent that male Chinese would provide some economic competition for white workers. Experience from the gold fields provided early evidence of what was in store. On the other hand, without Chinese labor utilized in the construction of railroads and other pursuits, the arrival of white workingmen likely would have been delayed. Beginning in the 1850's and continuing into the 1860's, the Chinese, bolstered by support from wealthy employers, were able to gain a significant foothold in the fields of gardening, farming, viticulture, horticulture, laundrying, cooking, and general housework. In addition to these pursuits and employment on railroad construction, the Chinese worked in mines, lumber districts, and fisheries, not to mention some manufacturing pursuits such as shoemaking and cigar making. In short, working well and for low wages, they were proving their worth to the large business interests. In 1867 a Chinese steamship line began regular monthly mail service between San Francisco and Chinese ports, all with Congressional authorization.

The attitudes of white San Franciscans notwithstanding, diplomatic relations between China and the United States were particularly good during the period from 1861 to 1867 when Anson Burlingame served as American minister to China. Working closely with the regent of the empire, Burlingame formulated what would eventually emerge in 1868 as an amended treaty between the two nations. While it did not include naturalization among the rights granted to Chinese, it included virtually all other aspects of most favored nation status. Included were clauses agreeing to the mutual protection of citizens on the soil of the other nation; freedom in religious opinions and exercises; the right to reside in either country at will, with all privileges accorded to the most favored nations; the right to enact penal laws for the preservation of involuntary immigration; establishment of an international system of currency and commerce; and the privilege of admission to the public schools of the United States, or the establishment of American schools in China.[2] The last of these provisions was not enforced by the United States. States rights sentiment and relatively weak American presidents permitted that provision to be honored in the breach. On the other hand, access to the nation's borders, and consequently to California, was something that public officials and public opinion could not change in the short run.

What followed was an unrelenting barrage of popular expression, centered on the Pacific Coast, but drawing considerable national support, to exclude the Chinese from America.[3] Most of the exclusion rhetoric was aimed at economic concerns, i.e., how to prevent the Chinese from taking over the jobs and means of production rightfully belonging to white Americans. There was a potent racial message as well, the Chinese being described as an inferior race following pagan ways. Uncleanliness, opium smoking, prostitution, unfamiliarity with democracy, and all manner of immoral behavior were attributed to them. In such a state they were deemed both unworthy and incapable of assimilation into the mainstream of

American life. In the case of no other minority group was the persuasive power of the American Creed so totally lacking. The twin stresses of racial prejudice and a perceived economic challenge were simply too powerful. Furthermore, unlike American Negroes, the Chinese were not actively seeking to assimilate. On the contrary, most--but not all--were seeking to retain their cultural identity and maintain loyalty to the homeland.

Given the aspirations of white workingmen for regular employment, improved wages, and an eight-hour work day, it is not surprising that workingmen, together with the politicians and merchants who were dependent upon their support, pushed hard for Chinese exclusion. Thus, when Dennis Kearney and his Workingmen's Party emerged in 1878 with the most well publicized anti-Chinese campaign of all, sentiment for "the Chinese Must Go" motto was already well advanced.[4] Political action, angry rhetoric, and even violence characterized the anti-Chinese campaign, reaching fever pitch between 1876 and 1879. In response to fear that California industries were about to be overrun with Chinese, the state's Congressional delegation succeeded in persuading their colleagues to support exclusion legislation in 1882. As early as 1875 Congress had appointed a joint special committee to hold hearings in San Francisco for determining the best means of exclusion.

Late in December, 1877, the legislature approved holding a statewide referendum on the subject of Chinese immigration. The actual election occurred in 1879, using a ballot that hardly allowed a voter to support Chinese immigration. In any case, the electorate approved by roughly a 150 to 1 ratio a resoundingly negative expression of sentiment on the question of continuing immigration.[5] Meanwhile, the legislature and City of San Francisco were considering numerous discriminatory acts, ranging from forbidding Chinese labor to be used in the construction of irrigation ditches, to a law forbidding aliens barred from citizenship--Chinese--from acquiring title to real estate.[6]

Since they were already excluded from public schools, there was little else that could be done to affect adversely the educational opportunities of Chinese residents. The bottom had been reached as early as 1871 when the only public school serving the Chinese was closed. It is clear that the framers of the 1879 constitution wanted to leave the Chinese in a totally degraded position. Section I of the new constitution established clearly enough the attitude of Californians on the status of Chinese immigrants. Among other things it provided that "no native of China, no idiot, insane person or person convicted of any infamous crime, and no person hereafter convicted of embezzlement or misappropriation of public money, shall ever exercise the privilege of an elector in this State."[7] The benefits of public education were reserved for those who already were citizens or had the potential of becoming citizens. Civilized Indians were in a marginal position. There was nothing even marginal about the chances of a Chinaman.

Even the Exclusion Act of 1882 did not satisfy the advocates of total exclusion who felt America was being degraded by the Asian presence.[8] For more moderate citizens it did suffice. Under the new act only the flow of immigration was to be halted. A revised treaty with China agreed to in 1880 permitted America to halt immigration whenever she chose to do so. On the other hand, Chinese already in the country were to be accorded "all the rights, privileges, immunities, and exemptions accorded to citizens of the most favored nation." Yet, it was well into the twentieth century, when the Chinese population began to recede noticeably while that of whites continued to increase, that Chinese were once again seen for their quaintness rather than as a threat to jobs and the American way of life.

As a culturally cohesive group in a strange land, most Chinese did not demonstrate an eagerness to assimilate. The few who did experienced unparalleled opposition in securing public education and housing outside of Chinatown. The American stereotype of the Chinaman did not easily allow for the chance that some Chinese would choose to accept the American culture. An inherent contradiction between white fear of the Chinese and acceptance of the American Creed did not go by unnoticed. California's first major historian, Hubert Howe Bancroft, both observed the contradiction and personified it. At one point in his major work he referred to Chinese workers as "human leeches," who were "sucking the life-blood of the country." But he also appreciated the "knotty question" confronting Congress in considering exclusion:

> Alien against alien, one as bad as the other, the national traditions being a country free, open to all, and the ignorant white and the ignorant black having been accepted, how could the ignorant yellow be kept away at the modest request of the ignorant whites?[9]

In the absence of substantial political power in the hands of Chinese residents, the force of racism, coupled with white fears of being overrun by a large and easily identifiable alien group, were enough to provide an answer.

Public pressure against the legislature or the San Francisco Board of Education was not required in order to achieve the exclusion of Chinese children from the public schools. Educators themselves had been willing initiators of exclusion, witness Superintendent James Denman's action in closing the Chinese School in San Francisco several years before the peak of hostility against the Chinese ensued.[10] Because no mention was made of them in the revised school law of 1870, and only twenty Chinese were attending the public school anyway, Superintendent Denman was confident that the facility would not be missed. He was not far wrong.

No pressure to retain the school was immediately forthcoming from the Chinese community. Most whites welcomed the closure. Certainly the state superintendent of public instruction would not stand in the way. After John Swett, no one holding that office for the rest of the century demonstrated any interest in non-whites, especially the Chinese. The state department's census figures did not even include Chinese children. Whatever their part might be inside or outside the schools, Negroes and Indians were at least counted.

Negative attitudes toward Chinese were reflected not only by the public and top level administrators, but by teachers and students, even young students. As part of their trial examination taken in March, 1873, San Francisco first and second grade pupils were asked to write a composition, putting it into "good English" with proper punctuation. The following student written composition was selected by the city superintendent for inclusion in his Annual Report:

> Chinese are of no importance to San Francisco, they take away a great deal of labor from our people, because they work cheaper and not so good. You may see in going around to all these large manufactories, there are a great many Chinese compared with white men and also on all these great railroad's and steamer's. Chinese are employed all together. There were many working during the building of these great railroad's, in the mountains and during the snow blockades. There are a great many coming and going from here on the Chinese steamer's, and when they get here that is the time for the Express men for cheating them and making them pay double the price for riding. These Chinese can be seen daily over the hills carrying there baskets loaded with vegetables and fruit to sell to people where these Italians do not go with their wagons because it is too steep for the horses to pull up. There is a great quantity exported from China. In the shape of tea's.[11]

Although most Chinese appeared content with their own private Chinese language schools and the Christian missionary ventures started on their behalf, a few saw benefits to be derived for their children through education in regular public schools. Beginning in 1877, 1,300 Chinese residents, supported by Christian missionaries, petitioned the state legislature for separate public school facilities.[12] Though they pointed out the essential fairness of their request, calling attention to the taxes they bore and the fact that blacks and whites were being provided with schools, the petition was rejected out of hand. With anti-Chinese passions at their peak, a worse time for gaining concessions could hardly have been found. But then, there was no good time in the nineteenth century.

The precise motivation of educators in rejecting any hint of public schooling for Chinese can not be known in each instance. At best, they did not dare to alienate those from whom they drew popular support. No sooner had the state voted to eliminate Chinese immigration and approved a new constitution than State Superintendent Ezra Carr pointed out that education was needed to keep the laboring man on his seat of honor. Supporters of exclusion were hailing those actions as a victory for popular democracy. But Carr was quick to caution that real victory only could be achieved through an equality of education--presumably for all except the Chinese. Our universal education was still "partial as to its effects," said Carr. The exclusion of Chinese was seen as an affirmative step in more nearly equalizing educational opportunity for workers. Given the tenor of the times, the state superintendent was not sensitive to how Chinese exclusion and "equality of education" possibly could be contradictory ends. By effectively defining Chinese residents out of the American experience, it all seemed to fit together.[13]

So thoroughly were Chinese residents socially excluded from American institutions that it is likely some members of the legislature failed to notice that Chinese had neither been excluded nor segregated in the school laws of 1872, 1874 or 1880. They simply were ignored. A general loosening of segregation sentiment concerning Negroes had been developing since the Ward v. Flood decision of 1874. Therefore, perhaps with a sense of noble purpose, but at least with a sense of obligation, the word "white" was deleted from section 1662 of the school law. Only children of "filthy, or vicious habits, or children suffering from contagious or infectious diseases could be excluded." True, there had been some lessening of tension following the Chinese exclusion vote of 1879, and the receiving of reasonable assurances from Congressmen that an exclusion law would be forthcoming. Still, it is highly unlikely that the legislature meant to open the public schools for Chinese students.

Permissiveness in the school law did not go untested for very long. As early as 1875 a Sacramento girl born of Chinese parents was admitted with little public notice into that city's Primary School No. 1. In approving the arrangement, the Sacramento board split closely along ideological lines, with a majority believing that it would be unfair and illegal to exclude Chinese children.[14] Fittingly enough, the major test occurred in San Francisco nine years later. There Mamie Tape, a natural born citizen of the United States of Chinese descent, applied for admission to the Spring Valley School. Jennie Hurley, principal of the school, correctly read the wishes of her superintendent and public opinion by refusing to admit the girl.

The appeal of the Imperial Chinese Counsul and the girl's parents was resisted, with former State Superintendent of Public Instruction Andrew Moulder, now superintendent in San Francisco, directing the exclusion forces. With all the passion he had mustered twenty-six years earlier in turning aside Negroes at the state level, Moulder succeeded in obtaining sympathy from State Superintendent W. T. Welcher, an administrator who believed that the public schools should serve only citizens, not people like Chinese who allegedly endangered the well-being of the state. Mamie Tape's own unassailable citizenship status was overlooked. Moulder also had full support from his own San Francisco board.[15] Both he and the board had been running a system totally free of Chinese children. In 1884, the year Mamie Tape applied to the Spring Valley School, San Francisco had a Chinese population of children under 17 numbering 1,252. Not a single one attended a public school.[16]

A significant court test followed Principal Hurley's refusal to admit Mamie, beginning in the Superior Court of San Francisco and ending in the Supreme Court of California. Two months following the Superior Court's judgment in favor of the Tapes, the Supreme Court affirmed the ruling. In supporting Mamie's right to attend the public school, Supreme Court Justice J. R. Sharpstein, speaking for a unanimous court, pointed out the clear wording of the 1880 school law, i.e., every school, unless provided by special statute, "must be open for admission of all children between five and twenty-one years of age, residing in the district." Since the law was clear, "the legislature having not denied to the children of any race or nationality the right to enter our public schools, the question whether it might have done so does not arise in this case." The lower court's decision that Principal Hurley must enroll Mamie was upheld.

The issue of segregation was not discussed by either court, thereby permitting Superintendent Moulder to revise his strategy between the original January 9 ruling and the Supreme Court's decision of March 3. While fighting the case on appeal, Moulder set the wheels in motion for legislatively imposed segregation. Segregation, though seen as not as desirable a solution as exclusion, was something to fall back on. The legislature agreed. Within days after the final court ruling had been issued, both houses approved segregation legislation. Within another five weeks a brand new segregated school was ready to open. In the meantime, through enforced delays in securing a certificate of vaccination and a medical examination, school authorities were able to hold off the Tape family until a segregated facility was ready.[17]

Legislation approved in 1885 permitted, but did not require, school districts to establish separate schools for Chinese children. But when such schools were established, Chinese students were prohibited from attending other schools.[18] The one provided in San Francisco operated from April 13, 1885 until it became a victim of San Francisco's notorious fire on April 18, 1906. Throughout this period the board and community remained committed to segregation, although there were leaks in the system at the secondary level. Since few Chinese advanced to the high school, they were generally able to attend one of the city's regular high schools on those rare occasions when they did advance. In 1900 the Chinese community flexed its growing political muscle when it successfully resisted a Board of Education effort to limit Chinese attendance to a single segregated school. Through their local newspapers, the Chinese threatened to withdraw all of their children from the graded school, thereby throwing the principal and teachers out of positions, unless Chinese children were permitted to remain in the high schools.[19]

Forcing desegregation of the lower schools was to prove a far more difficult task, one that even most Chinese did not support. Those who did were thwarted in their desire. Such was the case in 1902 when Dr. Wong Him sought to have his daughter admitted to the Clement Grammar School closest to his home rather than attend the school in Chinatown. White parents objected, and so did the school board. Relief through the Federal District Court proved futile as the court steadfastly upheld the doctrine of separate but equal. Since the complainant had not charged that the facilities were unequal, only that one school was more convenient than another, the Court had little choice by contemporary standards.[20] District

Court judges in 1902 were not likely to challenge the landmark separate but equal concept laid down by the Supreme Court six years earlier in Plessy v. Ferguson. Consequently Wong Him's claim of relief for his daughter under the Fourteenth Amendment came to naught.

Elsewhere in California the situation facing Chinese children desiring admission to public schools was no better. Although it occasionally admitted a Chinese child, Sacramento did not provide a consistent opportunity for Chinese children to obtain public schooling until 1893. The opportunity provided then was for segregated schooling, albeit the undertaking was a reportedly successful one for the twenty-three pupils who enrolled.[21]

In Stockton, despite the existence of a Chinatown for many years, the question of public schooling did not arise until 1895. Then, sensing that an application from a Chinese lad was imminent, the board sought an opinion from the city attorney. The advice returned was that the law required admittance of a Chinese student, just as any other, but the boy who stimulated the board to raise the question chose to enter a private school. Finally, in 1899, a twelve year old boy named Gum Tye bravely stepped forward to register at the Franklin School. No objections were registered by parents or school officials and the boy's performance in school was described as admirable.[22] San Jose too had admitted some Chinese children to their schools on a desegregated basis after 1885. The minutes of May 2, 1895 record that several complaints had been made to one trustee about Chinese children attending the Grant School, but apparently no action was taken.[23]

It is impossible to determine the effects of exclusion and segregation on the development of Chinese children in America. One may assume that it had a negative impact on their ability to assimilate. On the other hand, contrary to the experience of Negroes and white immigrants, groups highly dependent on public schools for their education, the education of Chinese youth and young adults went forward under the guidance of private endeavor. Thus, as far as literary training, cultural transmission (Chinese culture), and number work were concerned, the actual educational achievement may well have been greater than would appear from public school attendance records.

Nevertheless, even with considerable private effort, the illiteracy rate in California among Chinese of all ages in 1900 was 28.2 percent, considerably better than the 65.3 percent found among Indians, but well behind the 13.4 percent found among blacks or the 8.7 percent discovered among foreign born whites.[24] In the coming decade educational opportunities offered to Chinese would improve, notwithstanding the fact that segregated schooling would continue as a way of life. As long as they were not denied public schooling, including opportunities for attending high school, the Chinese generally were not inclined to press for desegregation. Other Asians, on the other hand, would soon prove far less willing to accept segregated schooling.

Though Chinese exclusion was never as complete as their more hostile adversaries wished, after 1900 most of the increase in Asian population came from Japan, while the Chinese population declined. Furthermore, that increase was a substantial one as is reflected by school census figures for children under seventeen years of age (Table 6). With Chinese immigration largely checked, the focus of racist sentiment directed at "Mongolians" shifted to the Japanese.

TABLE 6. 1900 AND 1910 SCHOOL CENSUS OF CALIFORNIA CHILDREN UNDER AGE 17 BY SEX AND RACE

Race by sex	1900	1910	Increase	Percentage Increase
White boys	178,432	226,829	48,397	24.9
White girls	174,528	223,358	48,830	27.9
Negro boys	1,242	1,304	62	5.0
Negro girls	1,202	1,410	208	17.3
Indian boys	1,529	1,706	177	11.5
Indian girls	1,405	1,583	178	12.6
*Asian boys	1,679	2,544	868	51.8
*Asian girls	1,139	1,504	365	32.0
Totals	361,153	460,238	99,085	27.4

SOURCE: California, Department of Public Instruction, Twenty-fourth Biennial Report of the Superintendent of Public Instruction for the School Years 1909 and 1910, p. 44 in California, Legislature, Appendix to Journals of Senate and Assembly, 39th Session, 1911 (Sacramento: State Printer, 1912).

*Identified as "Mongolian" in the original.

Little perceptible difference occurred in the nature of the racist sentiment directed against the Japanese as opposed to what had been directed against the Chinese earlier. Nevertheless, the overall situation confronting the Japanese between 1900 and 1920 was markedly different from that confronting the Chinese between 1870 and 1890. The attitude and behavior of the intended victim was different. So too were the attitudes and behavior of the U.S. Government and the respective foreign governments. The result was that the racist oriented sting against the Japanese was blunted, at least partially.

On the ideological level the rhetoric of hostile whites was similar enough. Racial prejudice and economic fear, the latter stimulated as before by real and imagined competition, encouraged the discriminatory behavior. Enterprising Japanese were indeed experiencing early success in fruit growing, and it was feared they likely would succeed at manufacturing as well. Japanese immigrants were entering America to succeed, consistent with the loftiest motivations of European immigrants. Their homeland, unlike China, was emerging as an industrial and military power, demonstrated most vividly by Japanese success in the Russo-Japanese War of 1904-1905. Language was a problem but Japanese immigrants were prepared to cope with obstacles in their new environment on equal terms with other immigrants. It was doubtlessly fortunate for them that they came highly motivated because many of the social and economic obstacles they were to meet were not shared by the other immigrants.

The century was but five months old when a group of San Franciscans met in Metropolitan Hall to hear about the plague being carried into California by a steadily growing number of Japanese. By 1901 the San Francisco Labor Council was urging the extension of Chinese immigration laws to cover the Japanese as well. Three years later the American Federation of Labor, meeting in convention at San Francisco, opted for the same thing. While the Japanese government had attempted to restrict the flow of immigrants intc the United States by denying passports to Japanese coolies, the measure was not adequate to meet the objections of labor leaders in California.[25]

Intolerance toward Japanese was hardly an exclusive characteristic of white working men and their leaders, but, as with the Chinese exclusion movement a quarter century earlier, labor's voice was always at or near the front. Beginning on February 23, 1905, the San Francisco Chronicle printed a series of inflamatory articles directed against the Japanese. Blame for all manner of vices was laid at the feet of Japanese immigrants, including crime, poverty, sabotage, destroyers of the school system, a threat to white women and girls, and many more. On March 1 the state legislature approved overwhelmingly a resolution urging Congress to exclude entry of Oriental immigrants. By May the Japanese and Korean Exclusion League was formed, soon amassing a membership of 80,000.[26]

Sentiment against the Japanese continued more or less unabated until the middle 1920's, peaking with some major form of discrimination at least once in each of the century's first three decades. In 1906 the move to segregate Japanese children in the public schools of San Francisco provoked an international incident. Seven years later the Alien Land Law (Webb Act) was passed. Practically speaking, that law prohibited Japanese from purchasing farmland or leasing it for more than three years at a time. Not until the exclusion goal was achieved through the Immigration Act of 1924 were Californians reasonably well satisfied that Japanese immigrants did not constitute a serious threat.

Of all the long standing discriminatory policies affecting Asian children in the public schools between passage of the Chinese Exclusion Act of 1882, and the Japanese and Korean Exclusion Act of 1924, the most notable was an attempt in 1906 to segregate Japanese children in the public schools of San Francisco.[27] The disposition of the San Francisco school board toward including Japanese students in their segregation policy was established in May, 1905 when the board went on record favoring such a course. The action was based on alleged evil consequences which were bound to result from having white children associate with those "of the Mongolian race," and crowded conditions which had allowed "many" instances where Japanese pupils had been enrolled to the exclusion of "our children."[28]

Expectedly, the resolution was not received warmly by Japanese residents and officials, but was enthusiastically applauded by the Japanese and Korean Exclusion League. Neither response mattered in the absence of funds and a defensible feasibility argument. The latter, however, was supplied by nature through the great earthquake and fire of April 18, 1906. The board's preferred solution to overcrowded conditions at twenty-three city schools was to construct an additional building on the Chinese school site, thereby enabling that school to accommodate some ninety-three Japanese students, in addition to twenty-three Chinese, three Koreans, and one Alaskan. Presumably the exit of Japanese children from twenty-three schools would have an appearance of solving the school housing crunch. Certainly it would help meet the board's political obligation to the Union Labor Party.

Thus, on September 27, the Chinese Primary School at 926 Clay Street, was ordered re-established as the "Oriental School," with a principal and four teachers assigned to it. The formal segregation order followed two weeks later on October 11. City principals were directed to send all Chinese, Japanese and Korean children to the school. All told, ninety-three Japanese, including twenty-two second generation Japanese-

Americans who were natural born citizens of the United States (Nisei), were affected by the order. Of the ninety-three students, forty-two had been attending two of the twenty-three schools, including twenty-three at Redding Primary and nineteen at Pacific Higher Grammar. Sixty-five students were boys. Of these, thirty-one were over age fifteen, and two were over twenty. Although their testimony was not sought, teachers and principals asserted repeatedly that the Japanese were model pupils.[29]

The fact that ninety-three Japanese students were summarily segregated from other students was not in itself the most extreme example of discrimination on record. Thousands of non-white children, mainly Indians, were being denied even segregated schooling. What was exceptional about the 1906 segregation decision in San Francisco was the blatant politically motivated nature of the action, and the fact that its undoing was played out in the arena of international relations. One day preceding the desegregation order Mayor Schmitz and his political benefactor Abe Ruef were indicted on graft charges. The mayor had been elected on a platform advocating separate schools for Asians, but had not appeared concerned with implementing the commitment until he needed labor's support in his 1905 re-election campaign. Final implementation awaited the start of graft proceedings.[30] Superintendent Alfred Roncovieri was himself supported by Schmitz, and shared the mayor's enmity for the Japanese. Prominent among Roncovieri's announced reasons for supporting segregation was that older, more mature, Japanese males were being made seatmates of nine to twelve year old white girls.[31]

As expected, Korean and Chinese parents complied with the segregation order. Japanese parents did not, but instead complained to Japanese Counsel K. Uyeno. Uyeno in turn protested the action to the school board on October 18, drawing support for his action from several San Francisco citizens who also confronted the board on that occasion. While the board was roundly denounced for its segregation order by the eastern press and even a few western papers, including the very Republican Los Angeles Times, vocal opposition locally was restricted to the Japanese themselves, a few spokesmen representing Christian groups and a few prominent educators. Support, on the other hand, came from diverse quarters and appeared to have a strong local base, especially after the action was challenged by the President of the United States. Without Presidential intervention it is likely that the board would have remained firm up to and including a court struggle.

President Roosevelt's personal interest in the affair, dictated by his concern for the foreign policy implications of the case, held promise for securing a reversal of the segregation order. Prior to the President's active intervention, San Francisco authorities indicated they might be willing to construct another segregated school in a more convenient and safer location outside the city's heavily fire ravaged section, but remained adamant about segregation. Roosevelt's stern reaction took the board and the entire California Congressional delegation by surprise. Having early received a strongly worded protest from the Japanese Government, Roosevelt dispatched Secretary of Commerce and Labor Victor H. Metcalf to San Francisco to investigate the situation. In the meantime the President had occasion to address Congress, an opportunity he did not let pass before referring to the San Francisco segregation order as a "wicked absurdity."[32]

By December, Secretary Metcalf had completed his report, including sections on the school segregation question, the boycotting of Japanese restaurants and acts of physical violence against the Japanese. Much detail concerning the school incident is spelled out in that report. Likely important to the President was Secretary Metcalf's assertion that the segregation order was illegal, a conclusion which failed to convince politicians in California and the South, not to mention a fair number of legal scholars. Clearly the order was consistent with California law, and was even consistent with contemporary court interpretations of the Fourteenth Amendment. Nevertheless, a legal question did revolve around an apparent conflict between state and local policy on one hand, and the treaty obligations of the United States on the other.

Although seemingly both Japanese officials and San Francisco school authorities were prepared to see the question through the Federal courts, Roosevelt's preference was for a more rapid solution through personal persuasion. Thus, in response to the President's invitation, the entire San Francisco school board, accompanied by the mayor whose invitation came from the board, journeyed to Washington in February, 1907. After a week of discussion, an agreement was reached whereby the Federal administration pledged to check the influx of Japanese immigrants in exchange for a promise from San Francisco officials that they repeal the segregation order.

On March 13, 1907 the segregation order was rescinded so far as it affected Japanese children. Chinese and Korean children were still left with the segregated Oriental School. Children of "all alien races" who spoke the English language were required to present themselves to the principal of the school where they were applying so that their educational qualifications could be determined. One of the key concerns voiced by San Francisco school officials had been the alleged overageness of Japanese pupils. To the extent this was a legitimate concern, neither Roosevelt nor the Japanese had any quarrel with it. Thus, one part of the revised policy held that "no child of alien birth over the age of 9, 10, 11, 12, 13, 14, 15, 16 years shall be enrolled in any of the 1st, 2nd, 3rd, 4th, 5th, 6th, 7th, 8th grades, respectively." Presumably the overageness of native born white children was not a concern.

Less newsworthy at the time, but fateful in long range terms, was the board's handling of children whose language skills did not meet the principal's criteria of acceptability, or who were overage for the grade they qualified for. These children were to be enrolled in special schools or in special classes of certain regular schools.[33] Thus began the practice of segregation through the use of special classes. It is reasonable to infer that the board expected most Japanese students to wind up in these special schools and classes. On June 6, 1907 they received a letter from the Acting Japanese Counsel seeking to determine how the board intended to interpret its resolution. The board's response was to order that children of "alien races" who were barred from other schools by age or educational qualifications be assigned to Hancock, Irving, Garfield, Washington (Boys), Jean Parker (Girls), and Oriental Schools. Children with more advanced qualifications were to be assigned to ungraded classes at five other schools.[34]

In the year following implementation of the policy frequent attempts were made by Chinese parents to enroll their children at these special schools. In cases where the board was informed of the situation, the Chinese were told that the law required their children to attend only the Oriental School. From the rhetoric of California politicians, newspapers, and the Asiatic Exclusion League, it is clear that the Japanese were not better loved than the Chinese between 1906 and 1909. It is also clear that they were more aggressive and enjoyed a stronger base of support from their homeland. As for the school board, it was prepared to enforce as much segregation as the law would allow.

Various forms of harrassment inside and outside of school settings continued to plague Asians over the next two decades. In 1909 the California Assembly passed a Japanese school exclusion bill by a vote of forty-six to twenty-eight, but other than to demonstrate a show of sentiment, it was an inconsequential gesture. For the most part schoolmen continued to press onward and upward in pursuit of greater support for the common school movement, including increased support for secondary education. Few were inclined to involve themselves in racial issues, which they doubtlessly viewed as political and extraneous to their proper professional role.

In the face of the 1906 controversy over Japanese school attendance in San Francisco, doubtlessly the most publicized school event in California history, educational organizations remained nonaligned. The California Teachers Association was cautious and non-political, interested mainly in making gains for the profession. As individuals, several educators did speak out in favor of the Japanese. Among the more notable commentators were Stanford President David Star Jordan and Ernest Caroll Moore, then Superintendent of the Los Angeles City Schools. Jordan consistently aligned himself with the liberal view on race questions and was among the first educators to critize the San Francisco Board of Education for their Japanese segregation order. Moore also gave moral support to the Japanese and admonished school authorities:

> During all the time that I have been in the office of Superintendent of Schools here, I have not heard a single word of protest against them /the Japanese/. They are given every opportunity to attend school that American boys and girls have. We find them quiet and industrious in their school work and such good students that our principals and teachers believe them to have a most helpful influence upon the other pupils with whom they associate. As a California school man, I bitterly regret the action of the San Francisco school authorities. It was wholly unnecessary in my view and is, I am glad to say, not representative of public opinion in California.[35]

Moore's commentary on the exemplary performance of Japanese students was consistent with the view of virtually all other educators. Perhaps it was for this reason that schoolmen as a group could not support segregation. They were, through no initiative on their part, given an opportunity to do so. At the San Diego convention of school superintendents meeting in November, 1906, San Francisco Superintendent Roncovieri sought support for his segregationist stand by asking the group to approve a resolution favoring separate schools for Chinese, Japanese and Koreans. They turned him down.[36] In the coming decades schoolmen would demonstrate an underwhelming interest in racial issues, as well as most other partisan issues that contested for emotional support. Almost invariably they would defer judgment on such questions to prevailing public opinion.

CHAPTER IV

EDUCATING NATIVE AMERICANS, 1870 - 1935

Primary administrative responsibility for efforts and nonefforts at educating Indians in California can be divided into three rather distinct periods. Between 1849 and 1870 virtually nothing whatever was attempted by any agency of government. Between 1870 and 1920 the principal focus was on education in Federal boarding schools and day schools, with state and local officials largely ignoring Indians. Finally, by the third decade of the present century, the state public schools were persuaded to assume primary responsibility for Indian education, although a few had been involved on a very modest basis much earlier.

Except for acknowledging its absence, there is little that can be said about white influenced Indian education in the first period identified. The dominant theme during the first two decades of statehood was the sheer physical destruction and exploitation of Indians by white settlers, often with at least passive support from the California Government and no active interference from the Federal Government. Although not the focus of this study, it must be understood that this early history of exploitation, reinforced later by an inequitable land policy of enormous proportions, played a dominant role in the long term quality of educational opportunities experienced by Indians.

Seemingly, the only important consideration was the white man's ability to settle land and extract wealth from the earth unencumbered by inhibitions concerning the rights of Indians. Educated estimates place the Indian population as high as 260,000 in 1769, 100,000 in 1848 at the dawn of the American period, and less than 20,000 by 1880. A rather thorough accounting made by Special Indian Agent C. E. Kelsey in 1906 turned up slightly over 17,000 full-blood Indians in California, of whom 5,200 were living on reservations.[1] Notwithstanding their majority status prior to the coming of the white man, by 1920 Indians constituted the smallest of the principal non-white groups identified in the U. S. Census.[2]

Consistent with the theme of white manifest destiny expansionism westward, and an entrenched feeling of white superiority, any notion of Indian rights was either ignored or consciously rejected. California's first governor, Peter H. Burnett, accepted the annihilation of Indians as part of their destiny. While viewing a war of extermination against them with "painful regret," he accepted it as inevitable.[3] Apparently there was actually little regret. Outside the larger cities the murder of Indians was socially acceptable and commonly practiced. A white man who stole an Indian's horse and murdered him might be subject to prosecution for thievery, but likely not for murder.[4] Aside from murder, it was not uncommon for Indian youth to be captured and used as servants during the 1850's, 1860's, and 1870's. As early as April, 1850, the legislature approved an act for the "Government and Protection of Indians" which legalized the indenturing of Indians.[5]

Largely as a result of hostility from the California Congressional delegation and legislature, eighteen treaties negotiated for the Federal Government in 1851 and 1852 by representatives of the Superintendent of Indian Affairs were not ratified by the U. S. Senate. Opponents, including most California officials, were committed to complete Indian removal, which in this case meant locating them east of the Sierra Nevadas. The fact that the treaties were less favorable to Indians than most previous treaties had been did not impress the opponents.[6] Even had the treaties been approved, it is unlikely that their provisions calling for the Government to provide a school house, a superintendent, and "such assistant teachers as necessary," would have been accepted. The Superintendent of Indian Affairs for California, although approving the treaties generally, counseled against including the education sections because of the Indian's "present /low/ state of civilization and advancement."[7]

Necessarily, in such an atmosphere one would not expect the state to assume responsibility for the education of Indian youth. Indians, like Negroes and Asians,were seen both officially and unofficially as an inferior race, thereby entitling society to discriminate against them. In 1860 legislation was enacted denying the use of state funds for the education of all racial minorities, including Indians, although the door was left open for separate school funds to be established for instructing minority children in separate schools. Even had most Indians been in a position to benefit from public schools, which they were not in 1860, the effect was to handicap the few who might have attended.

Though the reality of their exclusion was only slightly effected by it all, subsequent state legislation saw the legal status of Indians in the schools change. Sometimes that status paralleled the status of Negroes; more often it was consistent with treatment accorded Asians. Even legally the changes were not dramatic. In 1864 the legislature provided that district trustees "shall establish" separate schools for Negroes, "Mongolians," and Indians when parents or guardians of ten or more such children petitioned the board for same in writing. The chance of Indians being able to meet such a requirement was nil. Two years later that part of the law remained unchanged, but a more permissive reading was given to "half breeds" and those Indians living with white families. A petition was not required in this case; only a majority vote of the local school board. Practically speaking, it was Indians in this category that constituted most of the group's public school enrollment prior to the turn of the century.

Beginning in 1874 Indians were disassociated from Chinese in the school law, their legal fate becoming identical with Negroes. Benefiting from the Ward v. Flood decision, they were permitted to attend a separate school, presumably with Negroes and/or other Indians, but if one was not provided, they could attend school with whites. When in 1880 Negroes successfully pushed for an end to legal separation, Indians also benefited--at least technically. Neither they nor Negroes were identified among the groups to be segregated until 1893 when Indians once again fell into disfavor. The likelihood that greater numbers of poor rural Indians might be entering the schools moved the legislature to have them rejoin "Chinese or Mongolians" as fair constituents of separate schools. Should a local district choose not to segregate, then Indians, like their fellow victims from Asia, could be admitted to a regular school intended for whites. Invariably this is what happened in cities of moderate and large size.

No change in Indian status was revealed in the 1903 and 1909 revisions of the school law. Then in 1921, at a time when the public school attendance of Indians was rising rapidly, owing mainly to Federal encouragement, a further stipulation was added. Indians still could be segregated into separate schools. New, however, was the requirement that they must attend Federal day or boarding schools if such facilities were available within three miles of their home. Though declared illegal by the California courts in 1924, the wording remained unchanged in the 1927 statute. Finally, in 1935, as part of a strangely worded exception aimed at the continued segregation of Mexicans, the option of segregating Indians was removed.[8]

Legal or not, few Indian children were in a position to attend state supported schools. During the 1865-66 term, only sixty-three out of 1,078 Indian children living under the guardianship of white persons were reported attending school at least once during the year.[9] By 1875 that number rose to 256 out of 1,113, and in 1890 stood at 311 out of 851. Of the several non-white groups, only the Chinese were more completely excluded, as is shown in Table 7.

TABLE 7. 1875 AND 1890 SCHOOL ATTENDANCE OF CHILDREN IN CALIFORNIA AGES 5-17 BY RACE

Race	Total		Number attending school at least once during the school year		Percent attending	
	1875	1890	1875	1890	1875	1890
White	169,383	276,795	115,983	197,261	68.47	70.51
Negro	1,067	1,835	657	1,294	61.57	70.52
Indian	1,113	851	256	311	23.00	36.54
Chinese (Native Born)	--	1,401	--	94	--	7.33

SOURCES: California, Department of Public Instruction, Sixth Biennial Report of the Superintendent of Public Instruction for the School Years 1874 and 1875, pp. 7 and 9 in California, Legislature, Appendix to Journals of Senate and Assembly, 21st Session, 1875 (Sacramento: State Printer, 1875); Fourteenth Biennial Report of the Superintendent of Public Instruction for the School Years 1889 and 1890, pp. 6 and 7 in Appendix, 29th Session, 1891.

Later in the century those Indians not living in tribal relationship and who paid taxes to the state were considered census children and thus were entitled to state schooling. Not until the 1920's did California accept responsibility for providing schooling to those Indian children living near reservations, and not until 1935 did the legislature give up the option of maintaining separate schools for Indians if local school districts chose to maintain them.

For all its inadequacies and misadventures which would become legend over the next century, beginning in 1864 the Federal Government did assume responsibility for some measure of Indian welfare in California. Since the Removal Act of 1830 and the appointment of a Commissioner of Indian

Affairs in 1832, the Government had been gaining considerable experience dealing with problems brought on by the westward march of whites and the forced retreat of Indians. Thus, even in the absence of treaties, it was not surprising that by 1864 Congress provided a superintendent and up to four tracts of land for Indian reservations in California. Charles Maltby, the first superintendent appointed under the arrangement, recommended that an appropriation be made and constructive steps taken to provide a school on each of four reservations as early as 1865. At the time only the Tule River and Hoopa Valley reservations were operating. The special agent at Tule River aroused Maltby's ire by including in his annual report to the Commissioner a statement that no schools had been attempted, "nor could I recommend the expenditure on such hopeless subjects."[10]

Nevertheless, in 1866 the Government responded affirmatively, if incompletely, to Malby's request for a teacher and a school house at the Smith River, Round Valley, and Tule River agencies. At Hoopa Valley, where a poorly constructed and unused school house had already been constructed, funds were appropriated for repairs and teachers' salaries. By 1872, two years after Congress authorized its first annual appropriation for Indian education nationally, two teachers were reaching 127 students out of an Indian population of nearly 21,000. By comparison, Oregon and Washington together had slightly fewer Indians, 20,803, but ten schools, nineteen teachers and were reaching 293 students.[11] Compared to the nation at large, school conditions for Indians in California during this period were commonly described as "deplorable," the term used by the U. S. Commissioner of Education.

As the Government began active contemplation of entering the education business, little attention was given to the wants of Indians themselves. Congress and the Executive were confident they knew what needed to be done in order to transform the Indian population into a civilized people. Nevertheless, Government agents apparently did ask Indians what they thought of a white man's education. Since all responses were recorded by Government personnel, their credibility is suspect. In any case, Indians invariably were reported as being desirous of obtaining an education. Yet, in the face of life's larger trials, it was not an immediate concern. The following extracts bearing on the Mission Indians of southern California, prepared in 1873 by Special Agent John G. Ames, helps to clarify the point:

> I asked how they would like for their children to go to school, learn to speak the English language, and to live more like white people. It would be very nice, they replied, but it would do them little good if they could not have their homes protected.
>
> They complained that they were subjected to many indignities from white neighbors who covet the lands occupied by them; that the water they had long depended upon for irrigation had been turned out of its course, rendering their lands useless. Lands that they have supposed to belong to them have on various pretexts been wrested from them. They feel that the Government should be established among them so that their children may learn to speak the English language and live more like Americans.
>
> They requested that schools might be established amongst them, and expressed a willingness to co-operate with the Government in any effort it should make for their benefit.[12]

The dawn of the Grant administration in 1869 witnessed the beginning of a greatly accelerated, albeit often misguided, national effort to civilize Indians and prepare them for eventual citizenship. Between 1865 and 1872 the Government had attempted to prepare southern Negroes for citizenship through the work of the Freedman's Bureau. Now the target group would be Indians, the region national in scope, and the time constraints seemingly unlimited. In order to deliver the white man's culture to surviving Indians, an unprecedented national system of Federal schools would evolve over the next half century, at first supplementing and finally replacing church related contract schools.

Although partly humanitarian in motivation, the chief incentives for Federal policy were practical. Indian wars between 1865 and 1880 were costing the Government millions of dollars and the lives of hundreds of soldiers, but with no solution to "the Indian problem" in sight. A system of reservations and education were seen both by Congress and the Executive as more humane and less costly than military control. Effective pacification leading to citizenship seemed the only alternative to extinction. Enough humanitarian spirit and sense of justice existed to make the extinction alternative unacceptable. In 1870 the U. S. Commissioner of Education advocated education as the proper course leading to citizenship, not only because it was cheaper and more efficient than fighting and slaying, but because ignorance was "a curse."

It is clear from annual reports of the Commissioner of Indian Affairs between 1870 and 1900 that the chief purpose behind Federally directed education was preparing Indians for civilization and citizenship. After 1900 official references to civilization grew increasingly rare and hints at something approaching assimilation became more pronounced. "The ultimate end of all Government effort in educating Indian children in Indian schools," wrote the Commissioner of Indian Affairs in 1906, "is to prepare them for communion with their white neighbors on an equal footing and induction into our common citizenship."[13] To these ends--civilization and citizenship--all policies were directed and redirected. Programs and policies changed repeatedly, but inevitably each change was justified for its perceived effectiveness in achieving these larger purposes, or because of the preceding program's lack of effectiveness in accomplishing the same purposes. Further, it was assumed that the sooner the Indian could participate fully as a citizen, the sooner the Government's responsibility for his welfare could end.

Unlike Asians, and to a lesser extent Negroes, there was by the last quarter of the nineteenth century a prominent and influential force of philanthropists and humanitarians who worked actively for what they perceived to be Indian interests. Some, including Stanford President David Starr Jordan, and Redlands philanthropist Albert K. Smiley, demonstrated a genuine interest in Indian welfare. Helen Hunt Jackson's A Century of Dishonor (1881) and Ramona (1884) doubtlessly helped stir the public conscience, although the impact of these works on whites in rural areas with a heavy concentration of Indians is doubtful.

It is unlikely that favorable attitudes toward Indians by the enlightened public made much difference to the finer points of Indian policy. Certainly it did little or nothing to diminish the harsher aspects of the cultural conversion drive. Still it is important to realize that the Government's school policy, while subject to constant change from one administration to another, was not the kind of issue that played heavily on the passions of white Americans. In a word, there was little important public resistance, and some gentlemanly support for the broad strokes of almost any policy that promised to aid Indians.

As far as Federal goals, curricula and administration of schools were concerned, there was considerable homogeneity at a given time across the nation, especially after 1885 when centralized direction of programs and policies were implemented. For purposes of the broad acculturation objectives--civilization and citizenship--it was assumed that the best education was that which prepared the Indian most completely for life as a white man, including instruction in white man's history, language, dress, religion, moral code, economic system and value system. By 1905, as preparation for receiving their land allotments, Indians in California were even required to assume the names of white men. With a few harmless exceptions, traditional customs and culture were to be purged. Not until the 1920's was this orientation modified significantly, and not until Commissioner John Collier began his work during the administration of Franklin Roosevelt was the policy explicitly reversed.

So that the job of cultural conversion could be accomplished with maximum efficiency and thoroughness, the Government preferred boarding schools during most of the 1880's and early 1890's. Day schools suffered from an inability to compel full immersion in the cultural conversion process; consequently their civilizing influence was seen as less efficient. J. D. C. Atkins, Commissioner of Indian Affairs, described the problem as follows:[14]

> The barbarian child of the barbarian parent spends possibly six of the twenty-four hours of the day in a school room. Here he is taught the rudiments of the books, varied perhaps by fragmentary lessons in the "good manners" of the superior race to which the teacher belongs. He returns, at the close of his day-school, to eat and play and sleep after the savage fashion of his race.

From the beginning the focus on boarding schools was emphasized less in California than was the case nationally, although even there the several agents were quick to perceive the preference of higher officials. Nevertheless, economic constraints and a comparatively low density of Indian population in any given locality often required that only day schools be provided. In 1881, the first two day schools were opened among the gravely deprived and exploited Mission Indians of southern California. This effort constituted the first public education provided for them by any agency of government. By 1888, a total of eight day schools were in operation among the Mission Indians, with four others located elsewhere in the state; one at Hoopa Valley, two at Round Valley and one at Tule River. In addition, one boarding school was operating at Yuma. Altogether, something on the order of 440 students were being served in the day schools and thirty at the Yuma Boarding School.[15]

The pitiful quality of Indian education nationally was apparent even to many of the Federal officials responsible for its implementation. From the beginning some of the most serious criticism originated from the Indian Service itself. Early among these was Superintendent Dorchester's report on Indian education issued in 1889, the first comprehensive field report made on the subject. Widespread neglect by Indian Office representatives, incompetent teachers, inefficient use of supplies and poor provision of health, sanitation and recreation, were all included as findings. After this tour, and one by Commissioner Thomas J. Morgan during the following year, several reforms were instituted, including more careful supervision, a more nearly uniform course of study, and the adoption of a merit system of appointment.[16]

Indian education, like the nation's public school system, was being systematized and institutionalized, but reform did not always imply advantage for Indian pupils. Indeed some of the more controversial policies became embedded in the system during the early 1890's. Enrollment was limited to Indian children between five and eighteen years of age living on reservations; for those children there was to be no escaping the system. Agents were held responsible for keeping the schools filled. Coersion, including the physical kidnapping of children and the withholding of rations from parents, was permitted and sometimes even encouraged. Visits by pupils to the homes of their parents were discouraged.[17]

If the acculturation drive's high purpose was sometimes lost sight of by policy implementors, at least the high-handedness of that policy is not difficult to document. Indian dances and feasts, for example, were seen by Commissioner W. S. Jones in 1902 as "subterfuges to cover degrading acts and to disguise immoral purposes." The Superintendent of the Greenville School in California, and presumably all other Indian school superintendents, was directed by the Commissioner to use his best efforts "in the suppression of these events."[18]

Nationally, some objections were raised to the harsh acculturation policy. G. Stanley Hall, one whose fame was growing in the child development movement, told the Department on Teaching of the National Education Association that the elementary education of Indians should occur in the native language. His criticism of Indian education was outspoken: "Why fit the young Indian, in the language of one of them, to clean the spitoons of the white man's civilization instead of helping him to develop his own? Why not make him a good Indian rather than a cheap imitation of the white man? Why teach him our Sunday School ditties, and let his marvelous, native music . . . be forgotten?"[19] Also subject to Hall's criticism was the fact that Indian school personnel paid too little attention to the Government's own Bureau of Ethnology.

Some gyrations over the relative merit of day and boarding schools, as well as inconsistencies in the administration of policy, notwithstanding, Indian education in 1910 was not markedly different from what it had been in 1890. More children were being reached to be sure. In California, Catholic mission boarding schools were still operating at Banning and San Diego, each enrolling approximately one hundred pupils. Reservation boarding schools continued operation at Fort Yuma, Hoopa Valley and Round Valley; each with an enrollment of approximately 100; slightly more at Fort Yuma. Nonreservation boarding schools were maintained at Greenville and Fort Bidwell; the former enrolling ninety-nine, the latter, seventy-nine.

Consistent with the trend of the day, some seventeen reservation day schools were in operation, ranging in enrollment from two to fifty-nine pupils, most having between twenty and thirty in attendance.[20] Of the several day schools, most were dilapidated and sadly in need of repair. Nearly half also suffered from lack of water. Nonetheless, by the early 1900's it was not unusual for Indian school superintendents to speak of the day school as "the most important factor in the civilization of the Indian," a clear contrast with the rhetoric of two decades earlier.[21]

Boarding schools were far from being deemphasized, however. A new and relatively well equipped non-reservation one had been established at Riverside in 1902. Presently the only Bureau of Indian Affairs School still operating in California, it was designed originally to accommodate 500 students, 320 more than Fort Yuma, the second largest boarding school. Although superior in several respects to other boarding schools in California, the goals and program of the Riverside school followed the national plan. Thus cultural conversion and practical training necessary for coping with the white man's world constituted the school's mission. The problem was that these purposes did not and likely could not be coordinated with the Indian's actual life style and needs at home.

Instruction in farm work was one of the early emphases at the Riverside school, occupying half of the curriculum, while literary studies took up the other half. Simply finding a farmer who understood irrigation and cultivation of the soil as practiced in southern California constituted a formidable personnel problem and delayed getting the program launched. The curriculum was organized so forty pupils would be on the farm at all times. Girls too assumed "such work as farmer girls usually do," taking care of the house, cooking, bread making, caring for the milk, making butter, tending to the kitchen, raising poultry, milking a few cows and "numerous duties which farmers' wives and daughters perform."[22] Good land and an adequate supply of water permitted the growing of vegetables in abundance and the production of numerous oranges from the school's grove.

Serving as kind of an induction into the dominant culture was the outing system. Nearly all boys and girls over fourteen years participated by being placed with southern California families for training in home life and general house work. Wages earned by pupils were paid to the superintendent who deposited them in the students' bank savings accounts. Whether or not the system reflected practical and cultural training rather more than exploitation of students is a matter of conjecture. From the superintendent's viewpoint it was a source of pride and was seen as a key element in the acculturation process. Located sixty miles from Los Angeles in a fairly prosperous citrus belt community, the Riverside school (Sherman Institute) was well accepted by the local community, accruing a fair library donated by citizens, and even becoming something of a tourist attraction. Begging the larger question of appropriateness, the overall educational opportunities provided at Riverside were superior to the rural reservation boarding school experiences in northern California and to day school experiences all over the state.

The administration of Indian schools was often a bleak affair. Scandals involving various kinds of indiscretions by personnel were common. Yet agency correspondence suggests that perhaps the greatest scandal of all was simple incompetence. In complaining to the Commissioner about the performance of two teachers at the Bishop Day School in 1917, the superintendent testified that one had been unfavorable to the new course of study and had stated in his presence that if teachers did the work outlined for them, promoting pupils as rapidly as required, it would be but a very few years before "we shall have worked ourselves out of a job."[23] A need for enrollment might well have influenced some holding back of pupils, although more evidence would be needed before this assertion could be made with confidence.

As boarding school horrors went, most centered on the issues of corporal punishment and kidnappings. Students who lapsed into the unseemly habit of speaking their native language could expect to be whipped. But there were numerous other infractions meriting the same treatment. Superintendent Edgar Miller of the Greenville Indian School claimed that corporal punishment was in vogue immediately before his appointment in 1916. In that year the Indian Service investigated reasons behind the desertion of five girl students who left shortly after being whipped by the matron. For her part the matron felt justified in the action because the girls "had not arisen early enough in the morning to make a proper toilet before breakfast," or in other ways had failed to follow orders.[24]

The precise motivation behind the indiscretions and sometime unauthorized behavior of staff is difficult to infer with precision. It is likely, however, that incompetence, moral indignation based on ignorance of Indian culture, and a desire to keep marginal schools operating were factors. Superintendent E. M. Tardy of the Fort Bidwell School appeared highly distressed about the alleged moral degeneracy of Indian girls. Public schools, according to Tardy, were being used as "an excuse to keep away there /sic/ children and at the camp where they can be used as prostitutes by any one that happens to have the price."[25] In view of this seemingly high moral purpose, Commissioner Cato Sells was persuaded that Tardy was justified in using extraordinary recruiting procedures.

Having previously reminded Tardy of the Government's policy against unreasonable or unnecessary force, the Commissioner justified the forceful approach in this case as "the only course which I would be justified in pursuing under the circumstances."[26] Parents had long resisted Federal persuasion at allowing their children to attend the Fort Bidwell School. The school had a notorious reputation among Indians, not only for its recruiting and disciplinary practices, but also for its ineffective educational program. On the matter of recruiting, Superintendent Tardy's letter of October 12, 1913 to a contact person in a neighboring community is instructive:[27]

> My dear Mr. Cooley:
>
> The other day some of your people were over here and Ivan Quinn was with them, he said that there were several children over there that he could get to come here, and if you think he is all right you can fill his name on the enclosed blank and have him get them and bring them over here. I think he could easily bring over six and I would pay him $25 for that many. Have him bring more if possible. He could /get/ someone to help with a team and bring over ten or twelve.
>
> Fred Wilson at Aden has been writing to Carsen to get three girls and a boy in school over there. You can have who ever you deputize. GET THESE FOUR WITHOUT FAIL. I enclose a letter from Royce.
>
> Please let me hear from you immediately about this. Some Indian over there ought to be glad to get this money.
>
> Very truly,
>
> Eugene M. Tardy
> Superintendent

Since the budget of a boarding school was set according to the number of students enrolled, it is likely that some superintendents of marginal institutions were tempted to use heavy-handed recruiting tactics in order to preserve their positions.

Many capable and dedicated staff members notwithstanding, teachers in the Indian service generally were a little less well prepared, a little poorer paid, and lived under less desirable housing conditions than most public school teachers. Office of Indian Affairs officials were aware of the problem, and from time to time pleaded with Congress to improve the compensation of their teachers. Of the five day school teachers in the Mission Agency during 1923, at least four were high school graduates and three had at least two years of college. The teacher with three years of college earned $900 per year, while each of the other four earned $760. In addition, housing and subsistence were included. This compared with a public school annual salary for women elementary teachers in California of $1,600.23.[28] No county paid its elementary teachers much under $1,200 in 1923. More undesirable than the Indian Service's salary was the isolated environment and poor living conditions.

Whatever the lapses in implementation, the system itself called for uniformity in day and boarding school operations: uniform curriculum, uniform operational regulations, uniform examinations and uniform rates of financial support. Both the uniform examinations and course of study were implemented in 1916. "The central idea of the course of study," said Commissioner Sells in 1918, "is the elimination of needless studies and the employment of a natural system of instruction built out of actual activities in industry, esthetics, civics, and community interests."[29] The basic goals of civilization and citizenship were still taken for granted, though civilization itself was rarely stated as a goal after 1900. Responsibilities of citizenship were assumed to necessitate literacy, acquaintance with the white man's civilization and vocational competence. The Commissioner's goals notwithstanding, Indian education was generally a low quality version of the curriculum found in traditional public schools. But this does not imply that its formal expectations of students were lower.

Perhaps the examination system is most revealing for gaining insight into what the Federal educational policy makers were attempting to accomplish. All Government schools were required to give final examinations on schedule. The grade, content, date and time were all scheduled by the centralized authority and sent to each school in a sealed envelope by registered mail. Not until 1928 were the uniform school examinations discontinued.[30] Standards too were centralized. No pupil was to be promoted from Grade III who had not attained a rating of at least 75 percent on the examination. From the recorded experience of students in the day schools of southern California there is every reason to believe that few ever passed this hurdle. In the Mission Agency during 1923, thirteen of the forty-seven students reported as attending day schools were in the third grade; none higher. The thirteen third graders had been attending school for an average of six years; their average age being thirteen. The average age of the first graders was eight, of second graders eleven.[31]

By third grade standards of the day, the examination probably would have provided a challenge to white urban children of the middle class. For most Indians, it was simply incredible. Several of the questions were as follows: Who found America? What is cotton made of? Tell what you know about Eli Whitney. What is fiber? Where do the clouds come from? Write sentences using potatoes, marching, ashamed, truant, idle, loss, clouds, business. Given the prevailing goal of education, no reference to Indian culture was included.

The content of the third grade examination in Indian Service schools was to be divided as follows:[32]

English		
Conversational English (oral)	1	4.5
Reading (oral)	1	
Spelling (written)	2/5	
Language (written)	3/5	
Geography, Health, and History (written)	1 1/2	
Music (oral)	1/4	1.0
Civics, Manners, and Correct Conduct (written)	3/4	
Arithmetic (written)		1.5
Writing (write three quotations from memory)	3/5	1.0
Drawing (inspections of class work)	2/5	
Industrial Work (inspection)		2.0
		10 points

That an extensive number of Indian children were below grade level is undeniable. It was also the cause of some considerable concern within the Indian Service, as can be detected in correspondence between the national headquarters and agency offices, and between agency offices and individual teachers. As day school attendance dipped in the early 1920's, officials in the Commissioner's office suspected that teachers might be deliberately holding back pupils in an effort to save their positions. In June, 1923, Assistant Commissioner C. B. Merrit requested superintendents of the three California agencies to explain the retardations in their agencies. Superintendent C. L. Ellis of the Mission Agency expressed a disbelief that teachers had deliberately held pupils back, but claimed instead that undernourishment, home environment, and poor attendance were to blame. He did, nevertheless, write to each of the agency teachers asking them to explain the poor performance of students at their schools.

Mary Helen Fee, teacher at the small Volcan Mountain Day School in San Diego County responded as follows:[33]

> So long as the Indian schools endeavor to ignore the facts that Indian children through poor instruction, home environment, and remote situation are almost all two or three years behind the white children in mental development on entering school, in addition to the handicap of not being familiar with the language in which they are taught, their retardations must go on, especially when there are inexperienced or poorly equipped teachers.

Although day schools would be emphasized by the Office of Indian Affairs through the 1930's, in California they were giving way to public schools by the middle 1920's. The public school in turn became the last institution to be emphasized for preparing Indians to function as useful citizens. Indian Service support for public school training resulted from a recognition that boarding schools in particular were both expensive and ineffective. The realization had been growing for some time, but by the late 1910's it received formal attention. In 1917, Malcolm McDowell, Secretary of the Board of Indian Commissioners, attempted to find out why Indian youth failed to retain the influence of their schooling upon returning home. In pursuit of an answer, he conducted a national survey of Indian Service superintendents. Was there a flaw in the system, he asked. The eighty-seven responses reflected a total range of speculation; all the way from the Indian's alleged unsalvagable barbarism, to alleged ineptness by the Indian Service itself.[34]

The unpopularity of their own institutions was sometimes used by Federal officials to encourage Indian parents into accepting public schools. The following letter of April 26, 1919, to an Indian adult guardian in Death Valley, California, from Colonel L. A. Dorrington, Special Agent in Charge of the Reno Agency, serves to illustrate the point:

> Dear Sir:
>
> We are informed that there are several Indian children of school age, living with you who are not in attendance at any school. The Government at Washington has sent word that every Indian child must go to school. It appears that the School Board at Death Valley is willing to permit these children to attend school and we are therefore advising you to enroll them as soon as possible. In the event this is not done it will be our duty to inform some Government Boarding School of the matter so that a recruiting officer will be sent to pick up the children and take them away to this Boarding School. You probably would prefer to have your children at home and if you want them to remain with you, it will be necessary for you to see that they go to the local school. We are herewith enclosing an envelope for a reply from you in regard thereto.
>
> Very truly,
>
> L. A. Dorrington, Special Agent
> in Charge

The ideological approval of public school attendance for Indians dates back to 1890, although the policy was not pursued vigorously until after 1910. Prior to 1890 only Indian children between five and seventeen years living with white families attended public school at all in California, and precious few attended even from this group. Even where public schools were available for a broader group of Indian children after 1900, often they did not feel comfortable attending, sometimes for reasons no more mysterious than an absence of adequate clothing. The section in the school law which permitted districts to exclude children alleged to be "filthy " was in itself a deterent. Nevertheless, between 1910 and 1920 a rather significant improvement took place. The 1910 Federal census found that 51.3 percent of Indians between ages five and twenty in California were attending school, compared with 61.6 percent for all rural children. In 1915, 316 Indian pupils attended public schools some time during the year, but four years later the number jumped to 2,199. A partial explanation rests in the fact that nationally the Federal Government spent $20,000 on public school tuition fees in 1915, but $200,000 each year between 1917 and 1923.[35]

In 1890 a relatively few school districts were invited to admit Indians, being rewarded for their cooperation at the rate of $10 per quarter per pupil.[36] By 1894, three California school systems enrolled fifty-four pupils under the plan. Community opposition, stimulated by prejudice as well as logistical and financial problems, reduced that number drastically after 1896. By 1903 not a single California school was engaged in a contract with the Office of Indian Affairs.[37] Only twelve existed in the entire nation, and that number was declining rapidly.

Nevertheless, by 1912, Indian Service representatives began to move aggressively toward forcing state, county and local officials into admitting Indians into public schools. To the extent that public schools would ease the Government's financial burden, while at the same time help Indians achieve their full potential as citizens, they were seen as desirable. C. E. Kelsey, a highly respected special agent for the California Indians, advised his colleague Calvin Asbury, special agent in Reno, of the situation as follows:[38]

> In getting Indian children into the public schools, as to the policy and advisability of which I agree with you wholly we have no difficulty with the State Superintendent and not much difficulty with the county superintendents. The difficulty lies with the "Plain People." When people are full of the race prejudice against Indians they refuse to reason. In most districts where there are any considerable number of Indian children, they simply refuse to allow Indians to attend. In something like 120 school districts in California Indians are allowed to attend school. These are mostly small districts that would lapse without the Indians.

Kelsey and other Indian Service representatives were prepared to force the issue, preferring integrated public school education for Indians where possible, but tolerating segregated facilities as an interim arrangement when this was the only alternative. Later in the year, H. B. Peairs, Supervisor in Charge of Indian Schools, advised Asbury that it was acceptable with the Indian Service to press for compulsory attendance of Indians so long as it was done "tactfully." Appeal to the state legislature or "mixing in politics" was ruled out.[39]

The Federal willingness to accept segregated public school education for their wards closed off one of the two principal objections held by local white citizens. The remaining objection centered around being taxed for educating Indians, especially since Indians paid no property tax, living as they did on land purchased for them in 1905 and 1906 by Kelsey on behalf of the Federal Government. Thus, given the failure of the boarding school system, the unwillingness of white communities to assume responsibility for Indian education, and a belief that public schooling would advance the cause of citizenship, the only viable option remaining was for the Government to encourage the public school attendance of Indians, including the payment of tuition to those school systems which required it.

In February, 1913, in another letter to Asbury, Kelsey revealed that the number of California school districts then admitting Indian children without aid from the Government had increased from 120 to 150, but he feared that payment of tuition to some districts could endanger that record if jealousy for Federal dollars were ever to become an issue. He also feared that establishment of separate schools would compromise the Government's goal of encouraging Indians to participate fully in all aspects of American life.[40] After October 22, 1913, the public schools' tuition policy was temporarily halted when the U. S. Controller concluded that Indians were fully entitled to public school privileges free of tuition.[41] Two years later the interpretation was softened to permit tuition payments in districts where buildings needed repair. Children eligible for tuition were to be at least one quarter Indian blood and of parents who did not pay tax on real estate.

From 1915 to 1920 numerous small districts were successful in getting aid from the Office of Indian Affairs at a rate anywhere from 15 to 50 cents per day per student. Each agency superintendent was given authority to determine the specific amount of reimbursement, and since the Indian Service was anxious about its record, where aid was needed in order to convince local officials to admit Indians, it was generally provided. In actual dollars the amount spent in California was small--$6,131.27 in 1919, $16,000 in 1920. Of the amount spent in 1919, virtually all was disbursed by three agencies in northern California: Greenville, $2,239.95; Reno (for California), $1,767.20; and Round Valley, $673.66.[42]

There were, to be sure, citizen groups that were pushing public schools for Indian children. The most notable of these in California during the 1910's was the Indian Board of Cooperation, headed by the Reverend Frederick G. Collett and his wife the Reverend Beryl Bishop Collett. Notable Californians the likes of President David Starr Jordan of Stanford and State Superintendent of Public Instruction Edward Hyatt were included as directors. The Colletts were tolerated by Federal officials and doubtlessly helped create a climate conducive to establishing public school facilities for Indians. But while Federal officials were pressing for the admission of Indians into the nearest public school facility, the Colletts were oriented more toward establishing separate public schools for Indians. Progress to the Colletts was seeing that Indian children were provided with schools. Whether or not the schools admitted Indians exclusively did not appear to be a concern for them.

That the public school thrust experienced early success from an attendance standpoint is clear. Whatever the quality of the educational programs provided, Indians were attending school in greater numbers than ever before. In 1915, a total of 316 Indians attended public schools in California. By 1916 the figure had risen to 1,469, and by 1919 it stood at 2,199. The last figure represented over half of the 4,579 eligible children in the state.[43] During the early 1920's agency superintendents received an annual pep talk letter from the Chief Supervisor of Indian Education reminding them of their obligation to stage a successful enrollment campaign. In 1923, for example, the slogan was "More Pupils and Better Schools."[44]

Agency superintendents appear to have cooperated with higher officials in enforcing Indian attendance at public schools. Edgar K. Miller, Superintendent and Special Dispersing Agent of the Greenville School and Agency, for one, encouraged State Attorney General U. S. Webb to enforce compulsory attendance laws for Indians, writing:[45]

> Where poverty, family environment, distance from public school, etc., interfere or prevent the child attending regularly the schools of the state, I will be glad to make room for him, but we feel that such schools as this are but stepping stones to the public schools of the state and for that reason prefer to get all Indian children into the public schools.

For all its interest in stimulating public school attendance, the Federal Government was treading on an area of state responsibility. The cooperation of state, county and local school officials would be necessary before appreciable gains could be made in the quantity and quality of public education. Officially the state still stood for segregation of Indians wherever that policy was desired by a local school district. Indians had been little more than a fleeting curiosity to most of the state's school leaders before the state superintendency of Edward Hyatt, 1907-1918. Hyatt and his wife Margaret, who herself served as deputy state superintendent, both demonstrated a personal interest in the education of Indians. Through low key diplomacy, but no legal authority, Hyatt and the state superintendents who succeeded him occasionally attempted to persuade local school authorities to admit Indians.

By the incumbency of State Superintendent Will C. Wood, 1919-26, the persuasive powers of the office were reinforced through an articulated policy defining the state's responsibility for Indian education in regions where the Federal Government formerly had been providing schools. One may infer from the general statements of the day that most school officials were coming to accept Indian children, like the children of immigrants, Negroes and Asians, as proper recipients of the state's school system. In an atmosphere filled with testimony concerning the wonders of democracy, a characteristic of that epoch, they were persuaded that the Federal Government's citizenship objective for Indians and the Americanization objective for immigrants were proper.

There were partial exceptions even to this, but they probably had little impact on state policy. Correspondence of the early and middle 1920's reveals a mutual disrespect between W. W. Coon, Federal Supervisor of Indian Education for the Pacific Coast District, and Georgiana Carden, California's Supervisor of Attendance for the State Department of Education. Although an aggressive enforcer of state attendance laws for Indians and others, Carden was convinced that Indian education required special attention and sincerely felt that the Federally imposed requirement of forced cultural conversion was not in the Indians' best interest. Her differences with Coon had more to do with perceived attitudes than with specific policies. She described their two hour meeting in the summer of 1922 as producing on his part "not one word, look, or tone /indicating/ the slightest interest in the welfare of Indian children."[46] His principal concern, as perceived by Carden, was simply to establish some kind of record at getting Indians enrolled in public schools.

There is every reason to believe that the enforcement of attendance requirements was handled with conviction by Federal and state officials. County enforcement was a bit more erratic, requiring in many cases the help and stimulation of the state supervisor of attendance. But even on the county level there was a general assumption that Indian children counted for financial reimbursement from the state and thus their attendance was expected. San Diego County's supervisor of attendance captured the dominant commitment of the day toward compulsory attendance by the slogan printed in capital letters on her letterhead: "EVERY CHILD IN SCHOOL, EVERY DAY, ON TIME."

Had it not been for some jurisdictional squabbling and lack of clarity regarding legal responsibility, the enforcement of Indian attendance would have been more faithful than it was. The principal problem concerned whether or not county attendance officers could or should enter foot on Federal property to enforce compulsory attendance requirements. The Office of Indian Affairs supported the idea fully. Some county attendance officials and district attorneys favored doing so; some did not. Often the Indian was, in the words of the superintendent at Riverside's Sherman Institute, "kicked from pillar to post" while officials from different jurisdictions debated who was responsible for his welfare.[47] The validity of this assertion was made poignantly clear in 1921 when the Secretary of Interior announced a willingness to have state officials enforce attendance laws on reservations, but the California legislature cut off public school attendance by Indians in districts where the U. S. Government had established Indian schools, or in areas within three miles of such schools.[48]

The legislation, stimulated by local anti-Indian sentiment, represented something of a final shot at exclusion by the state. Inside of a few months the California Attorney General ruled that the legislature had no power to deprive Indian children of the right to attend public school, but his ruling was not decisive. Not until 1924 when Pike Piper filed suit on behalf of his daughter Alice was the issue brought to a head. The girl had been refused admission to the Big Pine School in Inyo County solely on grounds that she was an Indian and had access to a Federal school. The fact that she had never lived in a tribal relationship on Indian land made little difference to district officials. The finding of the California Supreme Court in favor of the plaintiff dealt a potent blow to the state's attempt to shun responsibility for educating Indians living near reservations.[49]

Two years later the principle of state responsibility was again tested. This time the student, Wesley Peters, did live in tribal relationship on the Pauma Reservation in San Diego County. When the boy was denied admission to the Pauma public school a suit was immediately filed by Max Peters, Wesley's father. Both the Superior Court of San Diego County and the appellate court agreed that Indians living on reservations were entitled to be admitted to public schools.[50]

Still unresolved was the question of segregation. Five separate schools for Indians were maintained in 1926-27; four in 1927-28; six in 1928-29 through 1931-32.[51] In the half dozen towns still maintaining separate schools for Indians there was enough hostility to warrant local support for segregation. Yet there is reason to believe that a desire to segregate Mexicans was the more prevailing reason for retaining the legal mandate for Indian segregation seven years following the Peters case and eleven years following the Piper case. On January 23, 1927 the Attorney

General of California held that Mexicans could be treated as Indians, thereby entitling them to the plight of segregation under provision of the School Code.[52]

Respectable politicians and citizens could not face up squarely to the overt segregation of Mexican immigrants and the children of Mexican immigrants. The problem was one of maintaining the segregation of Mexican children, some of whom were natural born citizens of the United States, without appearing to discriminate against them. Office of Indian Affairs personnel in California were pressing hard for an end to the segregation of Indians. As they began to push their lobbying effort on behalf of this cause in 1934, they found almost no desire on the part of whites to maintain the segregation of Indians. By the following year the legislature found a solution, a way to desegregate Indians, while at the same time segregating Mexican-Americans without saying so. Section 3.3 of the School Code, amended and approved by Governor Merriam on July 15, 1935, reveals the solution:

> 3.3 The governing board of the school districts shall have power to establish separate schools for Indian children, excepting children of Indians who are wards of the United States government and children of all other Indians who are descendants of the original American Indians of the United States, and for children of Chinese, Japanese or Mongolian parentage.

Thus Mexican children became the principal target of discriminatory legislation without being named, and Indians, though named directly, were released from legally mandated segregation.

The marked rise of public school attendance among Indians, and a measure of cooperation between Federal and state officials in realizing this joint objective, does not mask the fact that rarely did Indians receive anything like an education comparable in quality to that received by white city dwellers, or even whites attending rural schools in the same vicinity as Indians. In the rural northern counties of the state, especially Mendocino, Lake and Modoc, the record was especially bleak. A rather systematic public health survey of Indians in northern California, published by the state in 1921, revealed the extent to which 356 of 517 Indians seen by the survey team had been educated. Of the 356 respondents, 187 claimed never to have attended school. Of the 169 who had completed one or more years of schooling, 77 had completed the fourth grade or higher. That same survey concluded that Indians in the northeastern part of the state were "not receiving any education worthy of the name."[53]

Other reports from the field were similarly grim. Rural school districts complained about Indians for various reasons, e.g., lack of tuition support from the Government, difficulties in teaching whites and Indians in the same classroom, or alleged health problems. In some places, Fresno, for example, Indian children were reported doing well in the public schools, but in the small town of Sycamore, also in the Central Valley, the Indian school was described by the state's director of attendance as "just like all the others--even to the lack of drinking water anywhere near."[54]

In places where the concentration of Indians was heaviest, such as Lake County, the reports were especially grim. In commenting on the local vs. Federal conflict in Kelseyville, Carden wrote that "everyone is seeking to prove and none care a tinker's darn about the Indians." After a visit to Kelseyville on April 2, 1923, she noted in her diary that the "Indian as an object of duty does not exist, as a means of attaining certain a.d.a.--he exists and will be held on to--Hopeless as far as Kelseyville is concerned."[55]

Inferior educational opportunity was just one of several ramifications of Indian poverty. Nevertheless, by the 1920's it appeared that the acculturation goal was producing some of the results desired of it, at least for those Indians who settled in the largest cities. The most detailed investigation from the era was Lewis Meriam's Problem of Indian Administration, a 1928 study sponsored by the Institute of Government Research and funded by John D. Rockefeller, Jr. In contrast to the picture of segregation, broad based discrimination and poverty experienced by rural Indians, the Meriam Report included a detailed study of urban Indians in California, specifically those residing in Los Angeles, Torrance and Sacramento. In Los Angeles and its suburb of Torrance, a total of 105 individuals were interviewed, with 10 others visited in Sacramento. Most were full-blood California Indians.

The total Indian population of Los Angeles at the time was estimated at between 800 and 1,000. Owing to its many industrial opportunities, its proximity to Sherman Institute at Riverside, and good housing opportunities, Los Angeles was portrayed favorably by the Indians interviewed. "Not a single Indian family visited in Los Angeles," maintained the report, "was found to be living at a standard definitely below the level of health and decency."[56] Some poverty was found, but no slum conditions were detected. Job discrimination existed, but generally employers spoke well of Indian employees, comparing them favorably to other workers. The overall picture was one of Indians actively working to adapt fully to American culture, consequently few favored strictly Indian schools except for vocational training when other alternatives were not present. No public school discrimination was reported.

The Meriam Report of 1928 had counseled against removing the Indian child from his home environment and forcing him to renounce his natural surroundings. Vigorous implementation of the new attitude would come with the election of Franklin Roosevelt in 1932 and the arrival on the national scene of Commissioner of Indian Affairs John Collier in 1933. "In the long run, the Indians must be their own saviors and their own helpers," announced the new Commissioner. Government paternalism would be decreased, but Government assistance increased. Indian customs were to be revitalized and respected.[57] Symbolic of this position was the removal in 1934 of an insistence that only English be spoken in Indian schools. Indians, hoped the new Commissioner, would be the teachers and local administrators of their own schools. Perhaps the Indian Reorganization Act of 1933 and Commissioner Collier's influence came too late to save the tribal heritage of many Indians. City Indians were experiencing moderate success in adapting to the dominant culture, while many rural Indians were becoming migratory laborers. According to the California Human Dependency Survey of 1936, Indian culture had been "virtually liquidated."[58]

Doubtlessly the most important educational provision of the new administration was the Johnson-O'Malley Act of 1934. Consistent with a trend which had been developing over the past decade of educating Indians in public schools, the Secretary of the Interior was authorized to provide financial assistance for these schools through contractual arrangements with the states. Indians residing on or near Federal trust land, but attending public schools, became the intended beneficiaries. In 1935 California became the first state to enter into a Johnson-O'Malley contract, it being widely recognized in the Indian Affairs office that California was further along than the nation at large in providing public school facilities for Indians. Ironically, eighteen years later, California's perceived success with the state funded education of Indians was also presented as one of the principal reasons for gradually withdrawing $318,500 annually from the Johnson-O'Malley funds under the Eisenhower administration's policy of termination.

By the 1930's sixty years of institutionalized education for Indians in California revealed several things quite clearly. Certainly a lower percentage of Indians were being reached by the educational system than was the case with children from more affluent families. Secondly, the regularity and quality of such education as was provided was dubious at best. Limitations and fluctuations in policy notwithstanding, the Federal Government did hold a long term commitment to its overarching goals of civilization and citizenship. It was this singleness of purpose, reinforced at times by a desire for economy, that guided all phases of institutional emphases--boarding schools, day schools, and finally public schools. Thus, prior to Commissioner Collier's term between 1933 and 1945, changes in policy reflected rather more a frustration over program ineffectiveness than a substantial shift in fundamental goals.

By the 1910's state education officials, ever sensitive to public opinion, were prepared to go along with integrating Indian pupils into the state system of schools, providing, of course, that objections were few. As always, assuming a leadership stance was contrary to their disposition, and inconsistent with their view of maintaining a low profile, low conflict administration.

CHAPTER V

SCHOOLING FOR CHILDREN OF MIGRANT FARM WORKERS, THE 1920's

Practically from the beginning of statehood Mexicans became outsiders in what had been their own land. Yet their presence as a minority group before 1900 was little noticed by the population at large and was almost completely ignored by historians. A certain nostalgia for the Hispanic life style assurred that the earlier cultural influence of the pre-American period would not be totally lost. Nevertheless, so complete was Yankee domination during the last half of the nineteenth century that when the presence of Mexicans is again noticed it will be as a foreign immigrant group.

As far as the Mexican population in California was concerned by the 1920's, it was almost as though the state had never experienced a Mexican period. Less than four percent of persons born in Mexico, but residing in California by 1930, had migrated to the United States in 1900 or earlier.[1] That percentage is far lower than is found for any other immigrant group. During the 1920's the Mexican population of California increased greatly, but even in 1920 the foreign born population entering from Mexico was second only to that coming from Italy, 86,610 compared to 88,502. In the period between 1922 and 1928 the yearly total of Mexican immigrants greatly exceeded the number entering from any other nation.[2]

Railroads linking Mexico and the United States were completed near the turn of the century. That development, coupled with a moderate demand for labor in the United States, marked the beginning of Mexican immigration.

Still, relatively few entered the United States until the start of the Mexican Revolution in 1910. Dislocation, poverty and disillusionment at home, coupled with an active pursuit of Mexican labor by American industrial and agricultural interests, brought some 83,000 Mexicans to the United States between 1910 and 1914, plus another 91,000 between 1915 and 1919.[3]

Separated geographically only by a common border, it was natural for Americans to look to Mexico for needed labor. American distress over Japanese immigration led to curtailment of that labor source through the Immigration Act of 1924. Nations of the Western Hemisphere, on the other hand, were not included in the severe quotas imposed on immigration through that and previous legislation. Checks made at the Mexican border by U. S. Bureau of Immigration officials focused not on Mexican citizens, but on Japanese and Syrian immigrants. During World War I any misgivings concerning Mexican immigration were expressed by the Mexican Government, not by the government of the United States. Still the Mexican Government did not obstruct immigration, although it did attempt to regulate it during the 1920's.

Continuing adverse economic consequences stemming from the Mexican Revolution, combined with American prosperity, encouraged many more Mexican laborers to enter the United States throughout the 1920's. Indeed, Mexicans were rapidly becoming the principal source of farm labor in California. The imposition of a $10 visa fee in 1925 served to reduce Mexican immigration in that year. Nevertheless, the percentage of Mexicans to the total number of immigrants entering the United States increased steadily, comprising 5.9 percent of the total in 1922, 12.4

percent in 1924, 11.0 percent in 1925, and 18.8 percent in 1928. The last figure represented 57,765 legal immigrants. In 1924 over 100,000 Mexicans had entered the United States.[4] In addition, a large but unknown number of illegal aliens also arrived from Mexico between 1900 and 1930.[5] While many returned home after working a short while in the United States, many remained. During the first three decades of the century only in one year, 1918, did the number of immigrants returning to Mexico exceed the number of immigrants entering the United States from that country.[6]

Mexican agricultural workers who followed the crops posed special educational problems for the state, different in certain respects from those faced by city school systems. Though the focus of this chapter is on the children of Mexican migrant farm workers, it must be acknowledged that more Mexican immigrants lived and worked in cities than in the country. Indeed, by the late 1920's, only Mexico City among the great cities of the world had a larger Mexican population than Los Angeles. Numerous urban Mexicans were employed as laborers in construction gangs and as section hands for the Santa Fe Railroad well before 1910. By 1930, almost 80 percent of the Mexican population of California resided in counties which included the largest cities.[7] Yet the economy of California, even the economy of Los Angeles County, was heavily agricultural prior to World War II, and numerous Mexicans did work in seasonal agricultural pursuits.

Mexican children in the cities were often segregated, but often as well they were viewed as just another immigrant group in need of "Americanization" training. As far as can be determined, the children of Mexican migrant farm workers were totally ignored by state educational officials before 1920. The workers themselves entered the United States to eke out a living. Their own culture and condition had not prized mass schooling nor were the benefits to be derived from that enterprise immediately apparent to them. Necessarily the migrant did not press policy makers to provide schooling for their children. If schoolmen held any opinion of Mexicans prior to 1920, it was likely one of indifference. Passionate political struggles of the kind witnessed in the legislature while considering discriminatory legislation against Negroes, Chinese, and Japanese had not been part of the state's history. Considerable mistreatment would afflict Mexican immigrants, but in a less flamboyant way.

Indeed, during the Progressive Republican administration of Governor Hiram Johnson, 1911-1917, Mexicans were looked upon in much the same way as European immigrants. While the Governor's generally sympathetic outlook did not extend to the Japanese, who were victims of an exceedingly unfair alien land bill during his administration, there was an effort made during these years to protect most immigrants, including those from Mexico. Nowhere was this attitude better expressed than in the work of the Commission of Immigration and Housing headed by Simon Lubin. Although that Commission lacked power to accomplish sweeping reforms, it did identify and call attention to many problems faced by immigrants.[8]

Brought into being in 1913, the Commission was charged with expediting the distribution and assimilation of immigrants. Protecting them from exploitation and encouraging their education in the English language were also central to the mission. Probably the Commission's most notable early service was inspecting labor camps. During the spring and summer of 1914, 641 camps were visited by the Commission staff; only 195 of them met minimum sanitation standards. Progressive legislation such as the Labor Camp Act of 1915 helped to a limited extent. Camp operators were required by that legislation to provide proper bedding, bathing, and eating facilities in all labor camps.

Educational problems were more difficult to solve, although certain modest efforts were made by the Commission to encourage and assist the Los Angeles Board of Education in preparing teachers for dealing effectively with immigrants.[9] Overall, on the other hand, there was little that non-educational agencies could do to help the cause of migrant education. Coping with insufficient camp provisions, overcrowded housing conditions, and grossly inadequate medical care constituted a formidable agenda in itself.

Though Mexican children in the larger cities were being inducted into the public schools under difficult circumstances, responsibility for formal schooling of migrant children was not being assumed by any agency of local, county or state government until after 1920. The proper agency to assume initiative was the State Department of Education. When the influx of Mexican immigrants began to accelerate greatly after 1921, the department did indeed assume some initiative. The fifty years after John Swett's state superintendency featured no appreciable initiative by his successors to extend the benefits of public schooling to non-whites. Beginning in October 1919, State Superintendent Will C. Wood initiated a rather unique state directed plan for the children of migrant farm workers. Even then concern for migrant children appeared less a stimulus to action than the failure of local school districts to enforce state attendance requirements among that group.

A procession of school age children was moving in and out of school systems but attending none of them. Among the complexity of problems facing migrants was their intense economic plight, racial and social prejudices focused against them in local communities, labor disagreements, inflexible courses of study in the schools, and a decision making structure that vested too much authority in local district boards of trustees. Although the state superintendent did not know the specific number of school age children among the migrant farm population, a report made to him on the subject indicated that "obviously hundreds were included," and that the number was growing in direct proportion to the rapid increase in fruit and cotton acreage. Several specific recommendations were made, including (1) the establishment of more schools in the crop areas during harvest time, (2) financial aid from the state for districts needing additional school facilities during harvest season, and (3) an amendment to the compulsory attendance law requiring young migrants to attend school in the district of their current residence.

Bringing public education to the children of migrant farm workers was accepted as a matter of special mission by Georgiana Carden, the individual charged by Superintendent Wood with responsibility for working on the problem and preparing the recommendations. A native of California, Miss Carden had attended Chico Normal School prior to accepting teaching positions in Chico and Oakland. Her subsequent employment with the Department of Industrial Welfare had provided her with an opportunity to become acquainted with the plight of migrants prior to being named state supervisor of attendance.[10]

During the 1921 legislative session Carden and Wood succeeded in achieving changes in the school law designed to help solve the problems they observed. Neither of the two key pieces of legislation were controversial nor aroused racial animosity. Both were treated as nonpartisan recommendations from the school department. Both passed with unanimous votes in the Senate and Assembly, thereby demonstrating the noncontroversial nature of extending certain minimal kinds of educational opportunities and enforcing school attendance requirements. Indeed the migratory school bill was supported by women's clubs, school people and many employers, seemingly free of any considerations that would blur a commitment to the American Creed.

The legislation itself (A.B. 1295), authored by George W. Lee of San Francisco, empowered the state superintendent of public instruction to superintend, organize and maintain special classes of elementary grade for the children of migratory laborers in rural districts. Thus the state authorized itself to take a direct hand, including the employment of teachers, purchasing supplies, and providing facilities either inside or outside schools provided by local districts. If public schools were to be utilized for this mission permission would be required from the local districts, but county superintendents and local school boards were directed to cooperate. Necessarily, that cooperation would be essential if the program was to succeed. Although the state superintendent was given legal authority and $10,000 to establish temporary schools independent of local school systems, such a step could be afforded only in the rarest of circumstances.[11]

Though a few temporary schools were established, more migratory children were affected by the special migratory school legislation. This second piece of legislation (A.B. 705), also approved in 1921, was authored at the school department's request by Mrs. Elizabeth Hughes of Butte. Central here was a requirement that parents continue to keep their children enrolled in school, even if they move away from their home district. While following the crops migratory parents might move in and out of four or five school districts, their children now being required to be enrolled each stop along the way. Formerly the law had required enrollment only in the district of their parent's permanent residence. To see that the new stipulation was enforced, a system of certificated county and district supervisors of school attendance was set up. An additional and detailed provision required employers of minors to keep and post in a conspicuous place a register of their minor employees, including the name, age and address of each.[12]

With financial aid and a clear legal requirement for their attendance, the state supervisor of attendance went about her task at enforcing the law. Several monumental problems became apparent early. One involved getting county superintendents to take a stand on school attendance. Many large land owners viewed school attendance by migrant children as an unnecessary nuisance and expense, often making their sentiments known to local district and county superintendents. Another problem concerned space. Most local public schools were built to accommodate only the children of the permanent population. A sudden temporary influx of migrant children was a disruptive factor--one that at best led to their segregation, and sometimes to their exclusion. State educational authorities were prepared to accept segregation. Exclusion, on the other hand, was not to be tolerated.

In September, 1921, following the legislative session of that year, State Superintendent Wood reportedly came to Georgiana Carden and asked a simple but direct question: "Here is your $10,000 and authority to go in. What are you going to do?"[13] Basically what she did fell into the two categories covered by the legislation, namely establish several temporary migratory schools, and begin to enforce attendance requirements as they applied to migrants. Of the two, the former was not difficult to accomplish, but convincing local school authorities to enforce attendance requirements was extremely difficult to realize during the first several years.

The first school especially established for children of migratory laborers was located in Saticoy, Ventura County. For Georgiana Carden it represented something of a personal victory. Her summary of facts regarding the enterprise included the following information:

Crop: Walnuts

No. of groves sending children: 10

No. of children enrolled: 74

No. of days school maintained: 30

No. of days attendance: 1133

No. of days absence: 193

Percent of attendance: 85.5

Avg. daily attendance: 37-2/3

Nationality: Mexican only

Building: Sunday school room and kitchen of church at Saticoy; no rental

Distance from groves: In no case over two miles.

Transportation: Three boys had bicycles; the other children walked.

School session: From 7:30 to 12:00. These hours permitted fulfilling the legal requirements for a school day and left the afternoon free for picking. The children went to school when their parents went to the groves and were back at camp in time for the noon meal.

Several considerations led to the decision of selecting Saticoy and beginning with the walnut harvest. Walnuts marked the start of the crop cycle for some families and was the only crop for others. Its picking season corresponded with the opening of school in many parts of California, and lasted about six weeks, long enough, it was thought, to maintain a school. There had been an established tradition of child labor in harvesting walnuts, owing perhaps to the comparatively desirable climatic and other environmental conditions at the work sites. The walnut industry was both prosperous and well organized, thereby permitting Carden to work through an association rather than with individual growers, an important consideration when planning time was short. Another advantage was that the growers lived on their groves, a fact which likely induced them to assume greater concern for community welfare than was typical in many other agricultural settings. Indeed, the Walnut Growers Association had endorsed passage of A.B. 1295, the migrant school legislation.

Thus it was that from 7:30 a.m. to Noon each weekday between September 22 and November 2, 1921, Mrs. Margaret Shaw carried on a program of instruction for migrant farm workers at Saticoy. Probably because it was the first venture of its kind, rather complete records were kept. Seventy-four students were enrolled. Of these, the largest number, twenty-eight, were assigned to the first grade. Nineteen others were assigned to the second grade, with nine each placed in the third and fourth grades, and three each assigned to the fifth, sixth and seventh grades. Informal pretesting determined the grade placement of pupils, with the age range in each grade being very broad. First graders ranged in age from six to fourteen years; second graders from seven to fourteen years.

Daily activities at the school included two major divisions of group activities, with the first and second graders assigned to one group, third through seventh graders to a second group. The daily program followed the outline indicated below:

Grades 1 and 2

7:00- 8:00	Songs - Rhymes - Talks - Observation
8:00- 8:30	Reading (Jane McKee)
8:30- 9:00	Numbers
9:00- 9:05	Rest Period
9:05- 9:30	Writing
9:30- 9:50	Object Study
9:50-10:10	Recess
10:00-10:45	Handwork-Cutout-etc.
10:45-11:15	Work Study--Reading (state series)
11:15-11:45	Games

Grades 3 - 7

7:30- 8:00	Library--help period
8:00- 8:30	Spelling (Grades 3 & 4), state series, oral and written; oral language.
8:30- 9:00	Spelling (Grades 5, 6, & 7), state series list, oral and written.
9:00- 9:30	Arithmetic (Grades 5, 6, & 7) Equivalent fractions. Two step thought problems; Testing in rapid addition and multiplication.
10:15-11:00	Reading period (Grades 3 & 4), state test or Elston II; not much oral reading. Select books; each reads a very short story and tries to tell it; also written language.
11:00-11:30	Reading (Grades 5, 6 & 7); Robinson Crusoe
11:30-11:50	Oral language period for whole school.
11:50-12:00	Dismissed.

Consistent with the goal of Americanizing the foreign born population, it is clear that the Mexican children had their attention directed toward a curriculum completely foreign to their experience. Given the enormity of the educational task and the minimal resources employed to accomplish it, the school was a failure by almost any standard. On the other hand, the experiment did present the grower's association in a favorable light. Cooperation from growers "could not have been better," noted Georgiana Carden.

Clearly the cultural and value contrast between school officials and Mexican parents was substantial. All absences, wrote Carden, "were due to efforts at evasion on the part of the parents who tried to keep the children out to work, not in the groves but around the camps, taking care of younger children, cooking and the like." After closing school at noon, the teacher went into the camps to investigate absences, but with little success.

As the harvesting calendar moved along, a second school was set up at Wasco, a small community in cotton country near Fresno. In November, 1921, Miss Carden was able to secure the cooperation of Ralph P. Merrit, Manager of Secretary of Commerce Herbert Hoover's Tagus Ranch, who agreed to allow the school to be set up on the ranch itself. Like its predecessor at Saticoy, Carden was able to count the effort at Wasco a success, not in terms of what the children learned, but by the fact that a school was established, maintained by a dedicated teacher, and attended by the migrant children.

Though the educational results were disappointing, that fact did not appear to dampen the determination of state officials to at least get migrant children through the schoolhouse door. By late fall, 1929 the focus of activities fell on the onion fields of Indio in Riverside County, and by the following spring it was time to bring schooling to the children of asparagus pickers in the delta region inland from San Francisco. Of all the unsatisfactory situations, this one was the most frustrating, often unnecessarily so. Between late February and mid October the families moved along from asparagus patch to cherry orchard, to apricot orchard, to still other orchards before finally arriving home. In the face of that extreme mobility, neither special schools nor regular public schools had a chance to accomplish their educational missions. Nevertheless, of the two undesirable alternatives, the most feasible was to shuttle students in and out of regular public schools. Rarely did the students remain longer than two or three weeks at each place, and rarer still was a cordial welcome to be found from their public school hosts.

Numerous obstacles prevented anything like equality of opportunity for the children of migrants. Besides the flagrant aspects of prejudice and lack of facilities, some seemingly simply matters such as the opening date for the fall term worked a hardship on families that followed the crops. Since the University of California began its fall semester during the first week in August, most elementary and secondary schools in the Bay Area followed suit. Unfortunately for migrant children whose principal residence was in that area, August was also the peak month for agricultural labor. Yet where the picking was taking place schools tended to remain closed on account of the heat. The net result was that migratory families were shut out of considerable schooling irrespective of their own disposition toward its worth.

As unsatisfactory as the public school alternative was proving to be for just about everybody concerned, it was more viable than the special school option. By October, 1922,when Saticoy again hosted migratory workers laboring in the walnut groves, it was the public school system that took over the responsibility. The transition did not occur from a previously untapped sympathy for the children of workers, but rather because the local superintendent became convinced that the school system had lost money by not caring for the migrants. During 1921-22, the Saticoy district needed only three more pupil units to justify an additional teacher. Had they assumed responsibility for migrant children during that year, seven pupil units would have been earned.

As the early twenties began to give way to the middle twenties the problem of migrant families became more pronounced. "Following the fruit," was still a viable enterprise, but the substantial expansion of cotton acreage in the central valley put the whole matter in a new and larger perspective. With the coming of cotton came a greatly accelerated migration of labor. School attendance requirements still provided parents with weak incentive to keep their children out of the fields and in school. But there was one slight advantage cotton had over other crops so far as the living conditions of migrant families was concerned. Because its season was longer, owners of large cotton acreage, such as the Tagus Ranch in Tulare County, had more to gain from providing decent housing and schools.

The surest way of stabilizing migratory families, and thus improving their chance for an education, was through providing incentive for them to settle down. Georgiana Carden believed that comfortable homes and improved schools might persuade fathers to move on alone in pursuit of continuing employment at the conclusion of the cotton season, leaving their wives and children behind at a home base. Similarly, she reasoned that good homes and schools could accomplish a like purpose in the delta region. Rarely was her vision realized, as the profit motive of the land owners, coupled with the reluctance of migrants to push their interests, provided ample incentive for inactivity.

Qualitative considerations aside, schooling, generally in a segregated setting, did advance. A precise date can not be given for the decision to segregate Mexican children in public schools. Nor can a single motivation be cited for the action. The motive of racism was clearly apparent, but in a more subdued form than had been the case with Negro, Chinese, Japanese, and Indian children. There was also another motivation which was arrived at by some state education officials in good faith. Extreme differences in cultural orientation and simple quantity of previous schooling led them to conclude that a separate ungraded class should be maintained for all children who could not step easily into the regular school because of a language handicap or other problem. Theoretically, a perplexing problem could be posed for a teacher attempting to cope with students whose previous preparation was inadequate for the class level assigned. If the student were also to enroll late, leave school early, and attend irregularly, the problem would be exasperated further. Practically speaking it is doubtful that this potentially legitimate problem was ever given a chance to develop. Almost invariably Mexican children were segregated for reason of their economic poverty and perceived inferiority.

In many places the question of segregation was academic. Simple logistical considerations predetermined the approach selected. Constant pressure from farm managers and parents demanded that children under sixteen be allowed to participate in the harvest. At the Goodyear textile farm twenty-seven minors attended part-time classes after eight hours of work each week day. Having spent the period from 7:00 a.m. to 3:30 p.m. in the field, the children attended school from 3:45 p.m. to 4:45 p.m. Tuesday through Friday.

From Georgiana Carden's impressive diary one can gain insight into the bleak nature of educational opportunity afforded Mexican youth, as well as the author's personal determination to enforce the attendance law. Throughout the state the picture was pretty much the same. In the Orange County community of Anaheim Carden found "a selfish spirit concerning our "white School." But, she continued, "Anaheim can take them and should--and will--if I have to truck them myself." Anaheim school officials had refused to permit use of a school bus to transport Mexican children "on account of vermin." The outlook in neighboring Santa Ana, the county's largest city at the time, was much the same. Miss Carden's conference there on October 9, 1922 with county and city school officials convinced her that "they first of all must be converted to the doctrine of education for all children; anything accomplished will be in spite of them." The county attendance officer reportedly was eager to grasp for any loophole which would excuse him from enforcing the attendance law.

Three years later Carden was still persevering in Santa Ana, insisting that even if the school authorities refused to make accommodation for the children of migrant laborers, "they will not be allowed to work." While her visit on that occasion did turn up one excellent teacher, her more general observation revealed "exploitation everywhere." Neighboring Los Angeles County was no better. In the quiet and serene community of Whittier was located several teachers "surprisingly ready to take on extra duties incidental to receiving migrants." Their willingness aside, little was done for children laboring in the walnut and orange groves of the area in 1922. Much to Miss Carden's disgust, she had occasion to visit a regional teachers' institute in Whittier on October 9, arriving in time to hear the speaker advocate a cautious approach toward migrants.

Her disillusionment was compounded by a visit to the East Whittier district later in the same day, a place Miss Carden described as the "center of difficulty." A call upon the trustees and a visit to the packing houses did produce an agreement to erect a tent for the immediate instruction of Mexican children. Nevertheless, this concession was hardly viewed as progress, Georgiana Carden observing that "as a cradle of democracy, the public school at East Whittier is a flat failure."

In that regard the East Whittier School had considerable company, as the situation was similarly bleak in San Bernardino and Riverside Counties. In Riverside County, school attendance officers were portrayed by Carden as doing a totally inadequate job of enforcing attendance laws. The superintendent in rural Brawley was described as "a weak sister entirely surrounded by taxpayers," while the attendance officer in the larger town of Riverside was described as "no good at all." With local educators taking a slow and cautious approach, and community forces taking an exclusionist stance, it is plain that considerable state enforcement was needed to boost attendance.

Over the next several years State Supervisor Carden's itinerary took her to many southern California communities, as well as to communities in the northern delta region and the central valley. Cities and counties differed, but the reports had a remarkable sameness. In each case, the forces of prejudice assured that the only realistic alternative to no schooling was segregated schooling. Since some school officials and trustees set Mexican children apart from other children with references to "our white school," "Mexican children," and "those children," some of the prejudice doubtlessly was racially inspired. Yet migrant laborers were treated much the same regardless of their color. Public reaction to poor whites migrating from Texas via Oklahoma during the late twenties and early thirties was not appreciably more favorable than that afforded Mexican migrants. Seemingly poverty and differing life style was as much a curse as ethnicity, but for one who was both poor and non-white, the curse was double-edged.

In addition to sheer persistence by the staff of the state department of education, such success as was occurring in enforcing school attendance was attributable to good administration and a measure of interagency cooperation. State supervisors of attendance were assigned to three areas: one in the southern counties, one in the San Joaquin Valley, and another in the Bay region and northern California. The U. S. Immigration Service sent to the State Department of Education the names and addresses of migrant children of school age coming to California. These in turn were sent to school authorities in the various locations to which the children were moving. The Bureau of Labor assisted with school attendance enforcement by firmly upholding the child labor law. Similarly, the Commission of Immigration and Housing reported to the school department the presence of children in camps visited by its inspectors. Cards were provided for individual student records and followed the migrant student from one community to the next.

It was, of course, not the handling of forms that was primarily responsible for improved attendance of migrant children, but rather the fact that school apportionments were made on the basis of school attendance. This was, in Carden's opinion, "almost always sufficient incentive to insure the highest percent of enrollment." Nevertheless, that incentive was sometimes subjected to careful analysis as local school authorities paused to "figure if it would pay" for them to extend transportation to one or two remote children or to bring in a few Mexican youth from a labor camp." Occasionally migrant children were admitted to a school, perhaps as many as 125 of them being crowded into a single room, but state funds earned by their presence were redirected for other purposes.[14]

Some hostility directed toward migrant children in local communities was likely the result of financial pressure created by their presence. State school funds were paid to local districts on the basis of attendance during the preceding year with no significant provision made for setting up additional schools or classrooms for migratory students during the initial year of their attendance. The $10,000 approved in 1921 simply was not adequate for anything but a few experimental schools during the 1921-1922 term. Occasionally, as in the small Central Valley cotton community of Corcoran, a district made a serious and successful effort to secure much needed teachers and classrooms. More typically the result was grossly inadequate facilities and overcrowding of Mexican children.

Experience during the early 1920's convinced Georgiana Carden and her colleagues in the State Department of Education that a separate state run school system for migrants would be inconsistent with the precepts of democracy. But experience also demonstrated a need for more adequate state funding in the hope of reducing white resistance in local communities. With support from Governor C. C. Young and a unanimous vote in both houses of the legislature, a modest step was taken in 1927 when the legislature appropriated $10,000 to constitute a Migratory School Revolving Fund. The state superintendent was authorized to apportion to counties selected by him a sum not to exceed seventy-five dollars a month for each teacher employed to instruct the children of migratory laborers. Explicitly stated in the legislation was an understanding that "special classes" would be maintained.[15]

By 1930 only California among the states of the Southwest was making significant progress in improving the school attendance of migrant children.[16] But success in getting children to the school house door was but a first step in meeting the needs of migratory children. Regretably, it was the only successful step taken. Late in the 1920's, after about six years of effort, Miss Carden remarked: "The problem today is to make the school attendance mean anything in an educational sense."[17] Up to that time it had meant little except rejection and disillusionment for migratory children and bitterness in local white communities.

Following his study of Mexican labor in California's Imperial Valley in 1928, Paul Taylor confirmed that the state indeed had made good progress in compelling attendance of Mexican youth up to age sixteen. The massive dropout rate after that he attributed to the youth's awareness of social ostracism, together with a feeling of inferiority based on poverty and comparatively low achievement in school.[18] Except for the citrus region of southern California where the situation was slightly less bleak, migrant families working the farming regions rarely attracted the interest and sympathy of the dominant community. According to State Superintendent Vierling Kersey in 1932, what little interest did exist steadily dwindled during the early years of the depression.[19]

For the more permanent Mexican population in rural areas, and to a limited extent even the migrant population, the state department of education and several of the counties did try to accomplish more than simply improve attendance. In Fresno, Kings, Tulare, Kern, Madera and

Merced counties a tentative course of study was prepared especially for migratory schools in 1924. That same year a demonstration school enrolling only Mexican children was set up for the in-service education of teachers in Cucamonga, a conference of teachers in San Bernardino and Riverside counties was held to consider illiteracy among Mexicans, and yet another conference was held at Pomona College to promote better understanding of Mexican children.

Helen Heffernan, who served as director of elementary education for the state department of education from 1926 to 1963, spent at least a moderate proportion of her considerable energy in attempting to make the precepts of progressive education work for Mexican immigrants. "Our Mexican population," she maintained, "has leisureliness; gay, lighthearted enjoyment of the present; a spirituality and quiet devotion; a passionate love of color, music, and dancing." Just because foreign children, Mexicans included, differed from the majority group in background, habits, point of view, and orientation toward the academic skill areas emphasized by the school system, "they were not to be looked upon as inferior or deficient." Teachers of exceptional skill were urged for foreign pupils, not teachers of "inferior ability" who were then populating the special classes.[20]

In many ways the series of publications, county inservice teacher training institutes and summer university courses of the 1920's were not unlike the numerous inservice programs of the 1960's. At least a few educators, including Heffernan and her close associates who identified with the progressive education movement, held a reasonable sensitivity to cultural differences. In spite of this the problems imposed by other forces were too great to permit much constructive education for rural Mexican youth. Changes in immigration policy over the years by both the Mexican and United States Governments had some impact on the situation. The depression of the early 1930's resulted in a drastic reduction in new immigration from Mexico and even resulted in a massive reverse movement, partly voluntary, but mainly Government sponsored.[21] Thus from the thirties until World War II the Mexican's place in the field was largely assumed by others, primarily poor whites and some Japanese. Attention drawn to the plight of Mexican migrant farm workers notwithstanding, more Mexicans lived in the cities than in the country. In the cities the reasons for segregation and discrimination were less compelling, but the reality of segregation was no less certain.

CHAPTER VI

CITY SCHOOL SEGREGATION IN TRANSITION, 1880-1917

From 1880 until after America's entry into World War I in 1917, the legal status of non-whites in public schools was decidedly mixed. Asians and Indians could be segregated at local option, while state law held that the segregation of Negroes was illegal. Mexicans and Mexican-Americans were few in number and little noticed until late in the period. Indeed they likely were not viewed as non-whites by most citizens until after 1910. To be sure, there were some highly publicized and flagrant acts of segregation and discrimination by school authorities in California, most notably in the treatment afforded Asian children by the public schools of San Francisco. Yet the period generally is not remembered for dramatic changes in the status of non-white school children. Rather it was a period for the quiet, almost imperceptible beginning of real, though not legislated, segregation of Negroes and Mexican-Americans in the cities.

Where the non-legislated form of segregation developed, it was the result of two sometimes related factors: the deliberate assignment of students to particular schools and classes by local boards of education, and residential segregation attributable to economic realities, intimidation by majority group neighbors in the community, and cultural preference by the minority members themselves. Rarely was residential segregation instituted until the concentration of a targeted group became large enough to make the step feasible. In the case of Chinese and Japanese immigrants to San Francisco, the concentration was heavy and the challenge immediate. California's few Negroes, on the other hand, did not constitute a pressing challenge to perceived white security. Neither did Mexican-Americans until their increased population density and poverty attracted attention from the dominant society.

Although the development of black ghettos in California cities tended to follow the national pattern, that development was retarded. Unlike the major cities of the industrial North, particularly New York and Chicago, no city in California was yet developing a heavy concentration of poor Negroes in a restricted geographic area.[1] Indeed, no California city had an appreciable number of Negroes until well into the 20th century. The consensus of scholars on the migration of Negroes to California during the 1880's and later is that they were not merely following a westerly flight from Southern oppression. Rather they were attracted to the amenities of California living by about the same forces that attracted whites, namely the promise of economic gain and desirable weather.[2] Unlike the northern migration of the post 1890's, finally accelerating to become the great migration of 1915-1929, the trek to California required greater resources, energy and prior deliberation.

Owing to a small concentration of blacks, the various forms of social and legal discrimination were much less flagrant in California than in the South and were probably at a level comparable to that found in most northern states. In public accommodations segregation was likely a bit more flagrant than elsewhere in the North, especially after 1910 when the growing number of Negroes first became noticed. Certain other advantages, including rather good educational and economic opportunities, partially compensated for these shortcomings.

With their early legislative and court struggles behind them, the most readily observable change in the experience of California Negroes was in their place of residence. Los Angeles, not San Francisco or Sacramento, became the focus of activity. Indeed, in northern California, Oakland would replace these two cities as the new center of black population in that part of the state. Overall the growth in Negro population was hardly dramatic, growing at about the same rate as the white population, but beginning from an extremely small base.

TABLE 8. WHITE AND NEGRO POPULATION
OF CALIFORNIA, 1880 - 1910

Race	1880	1890	1900	1910
White	767,181	1,111,833	1,402,727	2,259,672
Negro	6,018	11,322	11,045	21,645

SOURCES: U. S., Census Office, Twelfth Census of the United States, 1990, vol. I, pt. 1: Population (Washington, D. C.: U. S. Census Office, 1901), p. 486; Bureau of the Census, Thirteenth Census of the United States, 1910, vol. I: Population: General Report and Analysis (Washington, D. C.: Government Printing Office, 1913), p. 153.

Negroes had been among the first settlers of the Spanish pueblo of Los Angeles in 1781, but by the start of the American period their influence was nil. As late as 1880 the black population there stood at a mere 102. Ten years later it was 1,258 and represented 2.5 percent of the city's total. As early as 1888, at the peak of southern California's land boom, Los Angeles County passed San Francisco County in the total number of Negro residents between ages five and seventeen. Between 1887 and 1888 the sometimes reliable School Census figures showed an increase from 122 to 366 for Los Angeles, but a decline from 265 to 212 for San Francisco.[3]

Although the total population of San Francisco still exceeded that of Los Angeles by nearly 100,000 as late as 1910, the Negro population of Los Angeles was 7,599 compared to 1,642 in San Francisco. For Los Angeles this represented a gain of 5,468 in a single decade. Other cities showing an appreciable growth in Negro residents between 1890 and 1910 were Oakland (from 1,026 to 3,055), Pasadena (from 218 to 744), San Diego (from 313 to 597), Riverside (from 195 to 421), and Berkeley (from 66 to 247).[4] A more complete accounting of the ethnic population of California cities is found in Table 9.

Unlike the discrimination that would be demonstrated in future years, there were as yet no significant prohibitions against blacks purchasing property during the 1880's and 1890's. Although a hint of a ghetto was forming in Los Angeles as early as the 1890's, that fact was overshadowed by evidence that Negroes were living throughout the city and were much less concentrated in any single area than they would be after 1910. As a relatively inconspicuous group, Negroes were finding life in Los Angeles personally and economically rewarding. Their own social origins were neither markedly elite nor proletarian, but most were optimistic about the prospects for an improved standard of living. Unlike the earlier arrivals who came predominantly from other Pacific states, the post 1900 arrivals came largely from the South. Yet they, like their predecessors, were far from being poor.[5]

TABLE 9. 1880, 1890, 1900 AND 1910 CENSUS FOR SELECTED CITIES BY RACE

	1880 Census				1890 Census				
City	White	Colored	Indians	Chinese and Japanese	White	Negro	Civilized Indians	Chinese	Japanese
Sacramento	19,180	445	4	1,781	24,201	401	6	1,753	25
San Francisco	310,496	1,628	45	*21,790	270,696	1,847	31	25,833	590
Berkeley	--	--	--	--	4,968	11	--	103	19
Oakland	31,973	593	7	+1,982	46,823	644	85	1,123	85
San Jose	11,834	91	8	634	16,759	184	11	1,105	11
Stockton	9,392	199	4	687	13,629	229	6	559	6
Pasadena	--	--	--	--	4,723	75	--	84	--
Los Angeles	10,379	102	97	605	47,205	1,258	26	1,871	26
Santa Ana	--	--	--	--	3,591	6	--	31	--
Riverside	--	--	--	--	4,426	82	52	121	2
San Diego	--	--	--	--	15,081	289	104	676	9

	1900 Census					1910 Census							
	White	Negro‡	Indian	Chinese	Japanese	White	Negro	Black	Mulatto	Indian	Chinese	Japanese	Other
Sacramento	[illegible]7,476		3	1,065	336	41,705	486	270	216	6	1,054	1,437	8
San Francisco	325,3[illegible]	1,654	15	13,954	1,781	400,014	1,642	881	761	46	10,582	4,518	10
Berkeley	12,968	66	9	154	17	38,995	247	89	158	2	451	710	29
Oakland	64,788	1,026	2	950	194	141,956	3,055	1,434	1,621	20	3,609	1,520	14
San Jose	20,690	209	4	553	44	28,052	182	123	59	5	359	345	3
Stockton	16,660	213	1	593	39	21,884	196			--	#698	#475	--
Pasadena	8,781	218	--	101	17	29,190	744	499	245	2	102	253	--
Los Angeles	98,082	2,131	5	2,111	150	305,307	7,599	5,101	2,489	81	1,954	4,238	19
Santa Ana	4,904	8	--	21	--	8,376	38			--	--	**14	--
Riverside	7,359	195	113	222	84	13,506	421			#558	#127	#581	#19
San Diego	17,077	313	4	292	14	38,465	597			8	348	159	1

SOURCES: U. S., Census Office, Tenth Census of the United States, 1880, vol. I: Statistics of the Population (Washington, D. C.: Government Printing Office, 1883), p. 416; Eleventh Census of the United States, 1890, pt. 1 (Washington, D. C.: Government Printing Office, 1895), pp. 451-52; Twelfth Census of the United States, 1900, vol. I, pt. 1: Population (Washington, D. C.: U. S. Census Office, 1901), pp. 609-10; Bureau of the Census, Thirteenth Census of the United States, 1910, vol. II: Population: Reports By States - Alabama to Montana (Washington, D. C.: Government Printing Office, 1913), pp. 180 and 182.

NOTE: The classification 'white' includes Mexican immigrants and their descendants. Only in the 1930 census were Mexicans classified separately from other whites.

* County data used. Includes 21,745 Chinese and 45 Japanese.

+ Includes 1,947 Chinese and 8 Japanese.

# From Fifteenth Census, 1930, p. 266.

** Includes one unidentified minority person.

‡ Includes all people of Negro descent.

Unlike the typical record of disappointment found elsewhere, there is strong evidence that blacks in Los Angeles were able to cope rather well. Though there was a considerable Negro business and professional community for a small population, it is true that most blacks were employed in low status occupations typical of their condition elsewhere. The important difference in Los Angeles was that even a female domestic or custodian could save enough for a down payment on a small home. With a total price ranging between $900 and $2,500, and with down payments ranging between $100 and $200, there was little to discourage a Negro resident of modest means from purchasing a California cottage prior to the 1920's.

Indeed the purchase of real estate was encouraged by white land promotors, and like their white neighbors, blacks were quick to proclaim the considerable virtues of their adopted Los Angeles. Blacks arriving from the South "will find no race problem in Los Angeles, only prosperity," proclaimed the Los Angeles Liberator in May, 1902.[6] Encouraged by national leaders from Booker T. Washington on down, Negroes were devoting considerable energy in what amounted to an early version of black capitalism. Furthermore, they were making judicious efforts to avoid voluntary segregation. Census data substantiate that through 1910 Negroes were to be found throughout the city, although it is possible they were concentrated on particular blocks within those sections. Of the eight assembly districts within the city of Los Angeles, the Negro population comprised from 1.0 to 7.1 percent of each district. Each of three districts included over 1,200 Negroes, while at least 450 lived in all but one of the remaining five districts.

Several small and temporary Negro settlements did develop in Los Angeles prior to 1910, and one formed the nucleus of what eventually became the Central Avenue area. By 1906 Negroes were firmly settled in an area between Fourth and Ninth Street from Central Avenue west to Maple Street. Following some real estate transactions that placed part of the property in white hands for commercial purposes, the focus of the black community became relatively more fixed along Central Avenue. With the increased density of Negro population after World War I, white resistance stiffened and steadily gained organizational strength, thereby serving to channel the purchase of property by Negroes into certain defined areas.

As whites became increasingly concerned about purchases of property by blacks during the 1910's, incidents of discrimination became more frequent on other fronts as well. Between 1914 and 1918 Negroes were refused service by owners of the privately run jitney buses. Only the City Council's outlawing of the buses themselves resolved that issue. Movie theaters, roller skating rinks, restaurants and hotels all discriminated against blacks by not admitting them at all, charging them higher rates, requiring them to use back entrances, or segregating them inside. On the other hand, Jim Crow was never really legalized. Blacks who chose to challenge these practices in the local courts generally were successful.[7]

Although their potential capacity for assimilation was greater, the actual conditions facing Mexicans was worse, both with respect to jobs and housing. Nearly all Mexicans residing in Los Angeles during the early 1900's were poorly paid laborers. Nevertheless, many purchased cheap land, mainly in Watts, prior to its incorporation into the city of Los Angeles and before the community became settled by blacks. Indeed, buying lots for "a dollar down and a dollar a week" was a fact as well as a slogan. Main Street became the community dividing line of the 1910's. Those living north of Main were majority white people; others south of Main were mostly Mexicans who became segregated largely because of their minimal economic means.[8] Poverty, a strong affinity for their neighboring homeland, and social discrimination assured Mexicans of an inferior place in the scheme of things.

In the early years of the 1910's it appeared that community action in an atmosphere of optimism might preclude the development of slum conditions in Los Angeles. Established in 1906, a seven member Municipal Housing Commission spoke optimistically about making Los Angeles "A City Without a Slum," and a "Spotless Town." In 1912 John E. Kienle, an employee of the Commission, surveyed the housing conditions of 700 Mexican households located in all parts of Los Angeles. As was the case with Negroes, the homes of Mexicans in 1912 were scattered throughout the city.[9] Four of Los Angeles' nine wards had between 136 and 174 Mexican families each, while the remainder ranged from none to twenty-seven. No section could be identified as "Mexican Villa" or "Little Mexico," even though one could identify a "Little Russia." Originally many of the Spanish speaking people settled in the second and eighth wards, in a section originally known as "Sonoratown," but by 1912 that area had become populated mainly by Italians, Slavians and others.

Although the housing was in diverse locations, it was uniform in quality--low quality. Much of it was maintained by the railroads and provided to Mexican laborers as part of their wages. It was cheaper for the company to provide poor housing near the tracks than to pay higher wages and have the employees provide their own housing. According to Kienle, by 1912 the railroads were beginning to resent the city's relatively high housing standards and developed second thoughts concerning their previous housing policy. A survey of Los Angeles housing conducted by the California Commission on Immigration and Housing in 1914 revealed that housing in Los Angeles was in reasonably good shape. There was one section described as "dilapidated," that around Macy Street in the Chinatown section. Another section was described as "poor," that being in the Marchesault-Los Angeles Street-Ferguson Alley and Alameda Street Area. The Macy area was inhabited mainly by immigrant laborers and the unemployed, including Mexicans, Italians, Syrians, French, Chinese and a very few Negroes. In the other area only four Negroes were found, three employed, one unemployed.[10]

As late as the 1910's Negroes were experiencing relatively little segregation in housing; Mexicans were experiencing a bit more, mainly the result of poorer economic conditions. Neither group was close to becoming as victimized by discrimination as would be the case in future decades. Though they had long since won all legal rights of citizenship, Negroes continued their day to day struggle to realize those rights in the face of discrimination. As an immigrant group, Mexicans were in a totally different position. It was the perceived mission of state educational and social agencies that Mexicans, like all other white immigrants, should be acculturated and even assimilated into the dominant society.

Indeed, during the first two decades of the twentieth century, there were at least mixed indications that Mexican immigrants might be assimilated into the dominant culture. Many of their experiences were common to other immigrants. Most were laborers, most were poor, and some, though not most, were convinced of the necessity to learn the English language. A year of close observation convinced John Kienle that Mexicans in Los Angeles "love to converse in the English language." He maintained that a visit to a local night school would convince anyone that Mexicans were actually eager to learn English. "Sometimes," said Kienle, "they will be seen studying English at home or in the street."[11]

Itself the product of Governor Hiram Johnson's politically progressive administration, the work of preparing immigrants for citizenship was spurred on by the work of the Commission of Immigration and Housing. While the Commission's initial finding in 1915 was that immigrant education had been neglected, it was impressed by the "commendable effort" underway in Los Angeles.[12] There, and in several other cities, Mexican immigrants joined with numerous other newcomers to learn English and civics. In Berkeley, Mexicans were among the largest constituents of the Franklin Burbank Evening School where the citizenship course offered in Spanish was introduced in response to popular demand. Thirty-five students reportedly enrolled in 1916, the work being proclaimed "very successful," by the local historian.[13]

If Berkeley, Los Angeles, and a few other cities were experiencing some measure of success in offering citizenship education opportunities to Mexican immigrants, such was not the case statewide. Lack of interest by the Mexicans themselves as well as by local communities determined the fate. Most Mexicans, especially migrant workers, remained loyal to their homeland and demonstrated slight interest in American citizenship. Unlike most other immigrant groups who entered America with the intent to become citizens and make a new life for themselves in a new land, most Mexicans arrived with a much more limited and temporary economic objective. Naturalization records tell much of the story. In 1910, of the total foreign born males twenty-one years of age or over residing in California, exclusive of Mexicans, 48.8 percent were naturalized. For Mexicans the percentage was 5.7.[14] During the 1910's and 1920's, as the temporary farm labor population increased, that percentage declined even further.

If the issue of race and ethnicity received little attention by the public at large between 1880 and 1910, various Asian exclusion drives notwithstanding, it received even less attention by educators. With but few insignificant exceptions, the issue was ignored by California school administrators after 1880. State superintendents of public instruction made virtually no mention of the subject until after World War I. Neither did the state education journals, although The Pacific School and Home Journal did in 1881 publish without comment a racist character song for exhibitions which portrayed Negro students as buffoon comic characters. On another occasion the Journal made a favorable reference to Negro achievement.[15] By 1891 the race of students was no longer reported by the state superintendent in his biennial tabulations of school census data. Problems in education, to the extent they were acknowledged at all, were centered in other areas.

Throughout the period after 1880 there were the usual reaffirmations of faith in education's ability to improve the condition of individual citizens and society at large. Issues such as improvements in high school attendance, secondary school reorganization, and child development aroused considerable interest among educators. Clearly the democratic ideal was being implemented imperfectly as Asians in particular were being openly denied equal treatment in the schools. For blacks the ideal was not working well enough to eliminate subtle and not so subtle forms of discrimination in schools, but it was working well enough to get them through the school house door and even for the most part into desegregated classrooms.

Squaring society's deeds with its ideals is rarely possible in a pure form. Overstatement of the public school's democratizing influence had been a trait of school administrators since the days of Horace Mann. Nevertheless, the rhetoric of a period is often indicative of a group's ideal. In 1914 California's commissioner of elementary schools, Margaret F. Schallenberger, claimed that the elementary school was "democratic, impartial, sympathetic," and that "its doors would swing open to all the children of all the people."[16] State and large city school administrators generally made an effort to live up to that and countless similar statements until local pressures, or other intervening variables, forced them into compromise or capitulation.

As far as the letter of the law was concerned, there was complete clarity between 1880 and World War I on the issue of segregation. Negroes could not be segregated and Mexican-Americans were white as far as the legislature was concerned, thereby limiting legislated segregation to

Asians and Indians. Yet the story of discrimination against blacks hardly ended in 1880, although there was something of a lull in many towns. Los Angeles, not yet the center of Negro population in the Far West, closed its black school immediately.[17] Even earlier a few school systems found it expedient to end segregation during the previous decade.

Still compliance with the law was not so complete to warrant the assertion that systematic segregation of Negroes had ended. Indeed, where community customs demanded segregation, little attention was paid to the letter of the law until after the practice was successfully challenged in the courts. On January 29, 1890, in the case of Wysinger v. Crookshank, the California Supreme Court declared:

> Subsequent to the act of April 7, 1880 repealing sections 1669, 1670, and 1671 of the Political Code, and under the existing laws touching the education of children in the public schools, it has not been, and is not now, within the power of boards of education or school trustees to establish public schools exclusively for children of African descent, or to exclude them from the public schools established for white children.[18]

The inciting incident occurred on October 1, 1888 when S. A. Crookshank, teacher at Visalia's public school on Locust Street, refused to admit Arthur Wysinger, the twelve year old son of Edmond Wysinger. By the teacher's own admission the refusal was based solely on race. Although illegal, it had been the policy of the Visalia school board to send all Negro children to a separate "colored school."

Presumably the requirements of the law were generally well known throughout the state even prior to the Wysinger decision of 1890. Yet even after that decision there was no swift action taken to end segregation in cities where Negroes appeared to be concentrated. In Sacramento the few black youth who sought admission to that city's high school had been permitted to enroll, but on the elementary level the situation was much different. The fluctuating number of younger Negro children, generally between sixty and a hundred, faced the prospect of segregated education almost continually, changes in the law and the Wysinger case notwithstanding. As early as February 23, 1880 a group of Negro residents did ask the local school board to abolish the colored school and desegregate all the city schools. After referring the matter to its rules committee, the board did nothing.

Clearly the Sacramento board was committed to continued segregation by one means or another. Finally, on August 1, 1894 it agreed unanimously to discontinue the colored ungraded school and ordered that the pupils attending the school be sent to schools in the area of their homes. There is reason to believe that the change was more apparent than real. Miss S. M. Jones, principal of the discontinued school,was made principal of the Fremont Primary School. Two weeks later the building which had served as the colored school was physically moved to a lot adjoining the Fremont primary facility. One may logically infer that a substantial number of Negro pupils accompanied their principal and school house to the Fremont site. Unlike some other cases where the feasibility argument had forced at least a temporary end to segregation, during the 1880's and 1890's Sacramento had enough Negro children to make the segregation option appealing.[19]

It is likely that other communities with more than a few scattered blacks managed to make comparable arrangements for their segregation. White parents generally were firmly resolved not to permit their children to attend school with black children. Shortly after the turn of the century, white parents in Riverside's Irving School area went out of their way to enroll their children in a neighboring all white school. In spite of the school board's attempt to enforce existing attendance area boundaries, presumably in the interest of efficiency, the practice continued. Finally, in 1909 the board ordered a school census to determine "the racial distribution" of the troubled area. Upon finding a substantial Negro population in the Irving area, construction of another school was authorized on a site approximately five blocks and less than one-half mile from the Irving School. Between 1911, when the new school was completed, and 1952, the boundary between the two schools was adjusted periodically in order to accomplish the segregation objective. Those whites who still found themselves in the wrong zone were permitted to enroll in one of the neighboring white schools.[20]

If it is true that whites were unwilling for their children to attend school with more than a token number of non-whites, it is also likely that many school boards had little patience with racism in the abstract. Thus, for example, when in 1906 the Asiatic Exclusion League appealed to school districts outside of San Francisco to segregate Japanese children, the request was quietly ignored. Only in Oakland and Sacramento, where local hostilities were stronger, and the Japanese population more concentrated, was the idea given serious consideration. Los Angeles, on the other hand, showed no patience for this or other requests advocating overt acts of segregation.

Even in Los Angeles, where Negroes were highly supportive of the school administration during the 1900's and 1910's, social equality was never approached. Blacks attended high school with whites, and were even treated civilly at a respectable distance, but did not feel comfortable joining school clubs or engaging in sports activities. On topics that were not charged with emotion, the Los Angeles board, as well as many others, reacted fairly. Thus Negroes could expect the use of school auditoriums for their community speakers and be provided with nearby evening school facilities. In employment they were limited to the traditional menial and service occupations consistent with the prevailing black role model. By the 1910's there were a few breakthroughs for light skinned Negroes seeking teaching positions, but all placements were made at predominately or exclusively black schools, such as El Centro's Booker T. Washington School or Los Angeles' Palo Verde School in the North Broadway district.[21]

In the meantime the larger long range matter of race improvement continued to be a major concern of educated blacks nationally as well as in California. Included in the declaration of principles of the Niagara Movement, formulated at Buffalo in July, 1905, was a call for "well-equipped trade and technical schools for the training of artisans." An attempt to implement that goal stimulated the highest level of interest among California blacks in an educational issue since the Ward v. Flood case forty years earlier. Virtually all residents of the Negro colony of Allensworth in Tulare County, and many from other parts of the state, wished to establish an industrial and agricultural school in Allensworth.

Between 1913 and 1915, this desire stimulated several members of the legislature, some likely with segrationist sentiments, to sponsor bills for securing state funding for the enterprise. Knowing the white preference for segregation, and being particularly sensitive to neighboring Visalia's slow implementation of desegregation, the black newspapers in California were vigorous in their opposition to the Allensworth school. Most Negro leaders saw a profound danger in establishing any precedent for what surely would amount to a segregated technical school. Among other things they feared the barring of blacks from the polytechnic schools of Los Angeles. The Los Angeles board had been asked by the sponsors of the 1915 bill to support the proposed school, but declined on the basis that the matter was outside their jurisdiction.[22]

More significant than the proposed school was the internal conflict the issue posed for black Californians. Allensworth had been founded in the spirit of black boosterism and a desire on the part of Colonel Allen Allensworth for a society where Negroes could live in an atmosphere free of racial intolerance, while at the same time exercising control over their own destiny. While sympathetic to what was being attempted, most blacks simply were unwilling to stray from their singular objective of full equality. Prejudice would have to be confronted at every turn and, though painful, it would have to be faced until the day when full equality could be achieved.[23] Segregation was seen simply as too great a price to pay for self determination and improved technical education.

On the factors of school attendance and literacy, Negroes were enjoying a high level of success in California and all through the North. State officials were interested in building schools and boosting attendance. For whatever interest might be expressed by white communities in segregation, exclusion was not considered appropriate for any non-white group desiring or able to subscribe to the ways of the dominant culture. Blacks subscribed and were included.

Much to the disgust of Governor George Pardee, Californians were not taking advantage of public schooling to the extent he thought desirable. In 1900 California ranked thirteenth among the states in percentage of children between five and eighteen years of age enrolled in school.[24] On the occasion of his inaugural address in 1903, the Governor complained that "already several of the Western states surpass us in the percentage of children who attend school, and it will not do to be further outstripped in this competition." His goal was to provide classrooms so all children could receive at least six years of schooling.[25]

With reinforcement concerning the value of education coming at them from both the Negro community and the larger white society, blacks participated fully in schooling opportunities during the 1880-1917 period when segregation was at a minimum. In 1890, 70.51 percent of California's 276,795 children between five and seventeen years of age attended school at least part of the year. So did 70.52 percent of the state's 1,294 Negro children in the same age group. Indians and Chinese, on the other hand, attended only to the extent of 36.54 percent and 7.33 percent, respectively.

Twenty years later the comparative status of the groups was little changed. Indeed the educational status of blacks relative to whites was as high as it would become. According to the U.S. Census for 1910, a higher percentage of Negro children, ages 6-14, were attending school in

California than was the case for any ethnic group, including native whites: 88.4 percent Negro, 87.6 percent native white, 87.3 percent total white, 82.3 percent foreign born white. The modest relative advantage of blacks in this statistic is attributable to their heavy concentration in cities, particularly Los Angeles. In the 15-17 age group, Negroes fell behind native whites, but still enjoyed a substantial lead over foreign born whites.[26]

Negroes did not compare quite as well on the score of literacy. In 1910, 7.1 percent of their population was found to be illiterate, compared to 0.5 percent of native whites, and 10.0 percent of foreign born whites. Nevertheless, for blacks, as with both categories of whites, there had been steady improvement over the years. In 1890 the Negro illiteracy percentage stood at 26.5, and was cut practically in half each decade, reaching 13.4 percent in 1900, and 7.1 percent in 1910. Among school age Negroes, illiteracy was practically extinct in 1910, with only nine out of 1,467 youths in the 10-14 age category so classified.[27]

Although Negroes did not suffer any particular disadvantage in relationship to whites when it came to the quantitative aspects of schooling, particularly elementary schooling, they were victims of two major sorts of discrimination that over the years would take a toll on the human spirit, and consequently on educational attainment. One concerned the absence of job opportunities. Regardless of the quantity and quality of education obtained, Negroes were restricted to menial occupations unless they were fortunate enough to practice medicine or law in the black community. This restriction eventually made secondary and higher education appear futile to many. Secondly, even in desegregated schools, blacks learned that their place was outside the mainstream of a school's social activities. Over time this too must have had an effect on the spirit. Nevertheless, with increasing segregation during the coming decades, the picture would grow more bleak in some respects, just as it improved in others.

Because race was the only significant trait on which blacks and whites in California differed prior to World War I, it is simple to conclude that school segregation and other forms of discrimination were attributable to racist motives. Inferring the precise motivation behind the segregation of Mexicans is a bit more complicated, not because prejudice was not a leading factor, but because there were other more legitimate considerations as well. Mainly as a result of a different cultural orientation, Mexicans were less than wedded to the American system of mass public education. It is likely that most Mexican children were not attending school at all during this period. Because neither the state nor the U. S. Census Bureau made a separate compilation of school attendance data on Mexican immigrants until 1930, it is impossible to know the specific number or percentage who attended school. As early as 1882, Los Angeles County Superintendent of Schools J. W. Hinton complained about some school districts with large "Spanish" populations getting more state funding than they deserved. The problem was that few Mexicans attended school, even though their enrollment was entitling such districts to increased state funds.[28]

Owing to its own Hispanic origins, it was not difficult for Los Angeles schools to remain open to Mexican influence during the early years of statehood. Thus, even during the 1880's, Mexican Independence Day, September 16, was celebrated along with the several American holidays in the city's schools. But as more and more Americans arrived beginning in the late eighties, the character of the city began its slow change. The precise extent of Mexican segregation in Los Angeles schools during the first decade of the new century is unclear. Because some of the small Mexican settlements were so completely segregated from the rest of the community, even where the two groups were geographically neighbors, it is probable that certain schools were designed with the prior understanding that they would become Mexican schools. On the other hand, there are fragments of evidence that Los Angeles Superintendent J. B. Francis was sympathetic to the plight of Mexican immigrants. For example, on May 8, 1916 he "urgently recommended" needed repairs at the Ivanhoe School because "this is a Mexican community," the implication being that the community was in greater need and consequently more deserving of attention than in the typical case.

In predominately white schools where Mexicans constituted a significant minority, it was not long before calls for segregation were heard. By 1916 a group of citizens urged that "the floating population of the Mexican element" be taken care of in a separate room or rooms at the Sherman school. The stated reason for their distress was alleged unsanitary conditions among the Mexican population, a reason which proved invalid upon inspection by the County Health Physician. Apparently the board resisted the advice to segregate on this occasion, although it did bend to similar pressure in future years. Perhaps indicative of white value conflict, those who called for segregation apparently felt somewhat defensive about the anti-democratic appearance of their position. According to the petitioners, the request was not inspired by "any prejudice or unfriendly feeling toward the Mexican people," but because the community feared "that the health and the very lives of their children" were being endangered.[29]

As for the superintendent and his staff in Los Angeles, considerable pride was demonstrated in the neighborhood school program, a specially designed social and instructional program implemented in fourteen schools located throughout the "foreign quarter" for children whose families were victims of illness, poverty and unemployment. Mexican immigrants were not the only beneficiaries of the program, although they were among the principal groups effected. Most notable of the special programs was the penny lunch which was served at all fourteen sites. In addition, each school served as a distributing center for new and used clothing which was collected from P.T.A. circles in the more prosperous parts of the city.

On a more personal level the teachers and principals of the schools "frequently" assisted families by attending to insurance papers and making funeral arrangements, occasionally assuming the expense of these tragic events themselves. Though it never was enough, the school system assisted by supplying doctor and nurse visits, often furnishing medicine, bedding and assisting families with transportation for securing medical attention. In much of this work the school system's own health department cooperated with the City Board of Health in treating children with medical and dental needs. In order to assist working mothers, seven of the schools maintained day nurseries.[30] By any standard of its day, the Neighborhood Schools Program constituted a remarkable effort--one that was not generally replicated as fully elsewhere in the state.[31]

With few exceptions the Mexican children faced language barriers, as well as obstacles in their physical environment which were not shared by the native born Anglo population. As a consequence, southern California school leaders often found it easy to justify segregating them, even when the reasons were less than compelling. In 1913 the Pasadena Federation of Parent Teachers Association suggested to the school board, on behalf of Garfield School patrons, that a separate residential school be established for Mexicans. Necessarily, if approved, the plan would also serve to remove Mexican children from that same Garfield School.[32]

Much to the disappointment of the Mexican community, who looked upon the step as an insult, the Pasadena board did establish a separate segregated school.[33] As approved, the now segregated South Raymond School served Mexican children in grades kindergarten through grade three. The Pasadena board did see that the school was well equipped, being one of the few schools in Pasadena to have its own small plunge and wading pool. Like the neighborhood schools in Los Angeles, South Raymond also provided a penny lunch program. Nevertheless, it is plain that the principal goal was segregation. By providing certain adult education opportunities and recreational facilities for children at South Raymond, Mexicans could be kept away from other facilities in the larger community.

In other southern California communities the public school reception of Mexicans was similar, although rarely were the facilities and programs they found as good as those in Los Angeles and Pasadena. It is plain that by the 1910's communities with any noticeable concentration of Mexicans were getting organized for segregating them in the public schools, at least on the primary level. In Santa Ana separate rooms were assigned for the exclusive use of Mexican children in three selected schools as early as 1914.[34] As elsewhere, the major announced justification was a need for Mexican pupils to receive special instruction in English, while at the same time not impeding the work of other children. As far as possible, it was the superintendent's goal to "make of those children self-respecting, respectable and intelligent citizens."[35] In fact, Mexican children, even more than Negro children, were likely to receive schooling that was not only segregated, but inferior in virtually all other respects as well.

CHAPTER VII

THE QUIET PROCESS OF SEGREGATION BETWEEN THE WORLD WARS

The Gold Rush of 1849 marked California as the land of the future in America. Although that rush was short lived, the rush for California was not. Growth, sometimes slow, sometimes booming, but invariably steady, affected all aspects of California life--the economy, housing and education,among others. With the exception of the 1930's, the state nearly doubled in population each decade between 1850 and 1970. The precise motives of the newcomers for settling in California differed, but most had faith that life in general, and the climate in particular, would be better than what they had known in the East.

Though their proportion of the total population was small before World War II, immigrant groups and racial minorities shared in this faith. Among California's population of 3,426,861 in 1920, only 38,763 were blacks.[1] Even at that the number represented a 79.1 percent increase between 1910 and 1920, while the white population increased by 44.5 percent. During the succeeding decade blacks still were not rushing to California in large numbers, although their percentage increase in Los Angeles was comparable to that found in the great cities of the northeast. In New York the Negro population rose from approximately 150,000 in 1920 to 327,000 in 1930, an increase of 115 percent.[2] In Los Angeles the increase was nearly 150 percent, but still represented only 38,894 black residents.[3] While that number was small enough to avert the intense crowding and concentration of poverty felt in the larger industrial cities of the East, it did reveal a presence that would not go unnoticed by whites. As blacks continued to move west counter to the national trend during the depression decade of the 1930's, their number in Los Angeles rose dramatically to 63,774 in 1940.[4]

Of the major foreign born immigrant groups in California by 1920, Italians were still slightly more numerous than Mexicans, 88,502 compared to 86,610. Yet the number of Italian arrivals was slowing, while that of Mexicans was accelerating. Stiff new controls on immigration reduced Japanese arrivals drastically during this period, beginning at 12.2 percent of the total immigrant aliens bound for California in 1919-21, then dropping to 6.6 percent in 1922-24, and to .6 percent in 1925-28.[5]

One explanation for Mexican immigration--and consequently for Mexican employment--is that, while the laws sufficiently curtailed Japanese and European immigration, they exempted immigrants born in the Western Hemisphere. Additionally, there is good reason to believe that many more Mexicans entered the United States illegally than entered legally. This was particularly true after visa requirements and a $10 visa fee were instituted in 1925. By 1930 Governor C. C. Young's study of Mexican immigration revealed that over two-fifths of all alien immigrants declaring California as their state of "intended future permanent residence" were Mexicans. Circumstances were different during the depression as the Government restricted severely the tide of new arrivals from Mexico, even forcing the "repatriation" of many, including some who were American citizens.

TABLE 10. 1920 AND 1930 CENSUS FOR SELECTED CITIES BY RACE

1920 Census

City	White	Negro	Indian	Chinese	Japanese	Other
Sacramento	62,207	675	18	831	1,976	--
San Francisco	490,022	2,414	45	7,744	5,358	--
Berkeley	54,196	507	12	337	911	--
Oakland	204,004	5,489	36	3,821	2,709	--
San Jose	38,783	191	--	341	321	--
Stockton	37,994	336	5	1,071	840	--
Pasadena	43,762	1,094	1	100	383	--
Los Angeles	546,864	15,579	189	2,062	11,618	--
Santa Ana	15,336	22	47	5	74	1
Riverside	17,443	505	962	51	340	40
San Diego	72,555	997	54	254	772	--

1930 Census

City	White	Negro	Indian	Chinese	Japanese	Mexican
Sacramento	84,262	1,086	85	1,366	3,347	3,374
San Francisco	694,969	3,803	151	16,303	6,250	7,922
Berkeley	77,508	2,177	37	333	1,320	529
Oakland	267,473	7,503	97	3,048	2,137	3,200
San Jose	55,765	240	7	273	463	789
Stockton	42,722	433	53	991	1,386	1,983
Pasadena	69,143	3,015	7	80	842	2,753
Los Angeles	1,073,584	38,894	616	3,009	21,081	97,116
Santa Ana	26,410	109	16	70	42	3,633
Riverside	24,623	604	157	22	277	3,942
San Diego	164,361	2,723	139	509	911	9,266

SOURCES: U. S., Bureau of the Census, Fourteenth Census of the United States, 1920, vol. III: Population: Composition and Characteristics of the Population by States (Washington, D. C.: Government Printing Office, 1922), pp. 110, 118-19; Fifteenth Census of the United States, 1930, vol. III, pt. 1: Population: Reports by States-Alabama to Missouri (Washington, D. C.: Government Printing Office, 1932), pp. 259-62, 266.

NOTE: Only in the 1930 census were Mexican immigrants and their descendants classified separately from other whites. In the 1920 census they are classified under 'white.'

Nevertheless, by the 1920's Mexicans and Mexican-Americans constituted the largest group of unskilled, low paid laborers in California. More than half of their number who were employed by industry resided in Los Angeles County.[6] In the stone, clay, glass products and cement industries they were more visible than any other group. On the railroads their dependability earned them the reputation of being good pick and shovel laborers.

Negroes too were generally employed during the 1920's, but the improved employment opportunities they enjoyed during World War I quickly receded after the war as blacks were fired to make room for a growing number of white workers. For most, education and training levels made little difference, as they were shuttled off to low status and low paying service and menial jobs regardless of their qualifications. Still, until the Great Depression, most were employed, some owned businesses, and a few were even serving as elementary teachers, firemen and policemen.

Although the depression of the 1930's touched the lives of all Americans, and proved disruptive to many, it was particularly hard on Negro families. Unlike the 1850's and 1880's, comparisons favorable to Negroes on the score of economic security had vanished completely. By October, 1933, 17.8 percent of the total black population of California was on public relief. While Negroes comprised only 1.9 percent of the state's inhabitants, they constituted 4.3 percent of the State Relief Administration's case load.[7]

Even before the depression there were ample indications that the struggle for economic sufficiency within black homes was intense. For her M.A. thesis at Berkeley in 1921, Berlinda Davison surveyed the economic well being of Negro families in the San Francisco Bay Area. Herself a black woman, Miss Davison's own experience had taught her a good deal about the impact of economic factors on education, but the 672 replies she received to her 2,000 questionnaires added to her knowledge. Poverty, she concluded, was already a problem in education. Most cases of ill health and absence from school were due to poor economic conditions of families. Many older children were forced to absent themselves from school in order to help their parents make ends meet.

Reflecting the cautious social posture of blacks in that era, Berlinda Davison made a scrupulous effort to attribute the central problem to everything except white discrimination and exploitation. Negro parents, she concluded, must realize that their children should receive most of their encouragement at home. One of the greatest needs of the race was for wives who stay at home. But until that was made possible, those who were required to help support the family were urged to "work in such a way that at night they will not be over-fatigued and unable to give their best to their children."[8] The whole tone was on Negro institutions, including the home, church and other organizations helping themselves. According to Davison, the high school attendance of blacks improved as the income level of fathers increased.

Among Bay Area blacks in 1921, no wealthy class could be identified, but neither was dire poverty in evidence. In Los Angeles, Negroes were more numerous, more discriminated against, but paradoxically, probably better off as well. Reminiscent of the late 1880's in southern California, the twenties was a time of rapid development. Building permits in Los Angeles alone rose from $28 million in 1919 to $200 million in 1923. New housing tracts inevitably led to the construction of new schools. To the extent that housing became more segregated, so too did schooling. No secret was made of efforts to keep Mexicans, Asians and Negroes in their segregated place. Of forty-seven replies received by Governor Young's Fact Finding Committee from city realty boards, twenty-four cities reported segregated districts composed of "Mexicans and other foreigners." An unspecified number of other realty boards cited clauses inserted into deeds and sales contracts calculated to confine Asians, Mexicans and Negroes to certain districts. Most sought to restrict housing occupants to "persons of Caucasian races," but many restrictions specifically prohibited Mexican residents as well.[9] The clause quoted below, taken from a restriction on property near Whittier in Los Angeles County, is representative of those directed against nonwhites:

> None of tract No. 11703 shall ever be occupied by a person whose blood is not entirely that of the Caucasian race, or by a person of the Mexican race, but persons not of the Caucasian race and persons of the Mexican race may be kept thereon by a Caucasian occupant strictly in the capacity of servant of such occupant.[10]

Prior to 1919 restrictions similar to the one cited above were not enforceable in the courts. Then, in the case of Los Angeles Investment Company v. Alfred Garry, the California Supreme Court ruled in a narrow three to two decision that persons other than Caucasians could be held from occupying, as distinguished from owning, property.[11] Thus the Court permitted individuals to discriminate, while municipalities were denied a similar right. Not until 1948 was this stance reversed when the United States Supreme Court in Shelly v. Kramer found that no agency of government, including the courts, could enforce such restrictions. Even New Deal policies failed to alleviate the sting of housing segregation. Indeed, from 1934 until the end of World War II, the Federal Housing Administration insisted on restrictive covenants as a condition for insuring FHA loans in white neighborhoods.

With low wealth and tightly restricted housing areas, all the ingredients were present for the formation of ghettoes. All that was lacking in California was a substantial non-white population. By 1920, most blacks in Los Angeles were living in an area stretching approximately thirty blocks down Central Avenue and several blocks east to the railroad tracks. To be sure the other detached black settlements were still present, but the Central Avenue area was becoming a clearly defined Negro neighborhood. More explicitly, it was becoming a ghetto by 1930, with few opportunities for black families to move outside its boundaries. Even at that, among the clouds surrounding housing for blacks nationally, Los Angeles was the silver lining.

As late as 1930, over one-third of the black families in Los Angeles owned their own homes, as contrasted to 10.5 percent in Chicago, 15 percnt in Detroit, and 5.6 percent in New York. No city as large as Los Angeles had a higher percentage of black home owners. Also significant to the quality of life enjoyed by Negroes in Los Angeles was a lower population density per household. In 1930 ten blacks occupied each black owned home in Los Angeles, as compared to eight whites per white owned home. Ratios of blacks to whites per home were much higher elsewhere, e. g., New York, 77:15; Chicago, 44:12; Detroit, 31:10.[12]

In spite of rapid growth in the Negro population of Los Angeles during the 1920's and 1930's, and a similar growth in the Mexican population during the first of those decades, segregation in 1940 was far more definitive in terms of areas excluding non-whites than racial isolation within districts occupied by the two groups. Thus only in census tract 214 within the West Jefferson area did blacks constitute a majority of the population, 58.4 percent. In only one other tract did Negroes make up 33 percent of the population; in four others they numbered between 20 and 30 percent. Even in Watts, native whites had majority status in ten of the eleven census tracts. Not in a single census tract did Mexicans or Asians predominate. On the other hand, over two-thirds of the census tracts in Los Angeles and over four-fifths of those in adjacent suburban areas had less than twenty-five Negroes.[13]

The steadily increasing intensity of housing segregation increased the likelihood that children of Negro-Americans and Mexican immigrants would attend defacto segregated schools. Prior to 1935, when the segregation of Mexican children was subtly added to the Education Code, both groups had been exempt from overt acts of segregation. While concern over the rise of Mexican immigrants would grow during the 1920's, the legislature's principal concern early in that decade was with Japanese immigrants. In 1921, with strong support from Governor William D. Stephens, the legislature added Japanese to the list of the unfavored. Thus they, along with Chinese, Indian and "Mongolian" children became legalized objects of school segregation if local school boards chose to segregate them.[14]

Although the reality of segregation often had little to do with the letter of the law, the law did take a strange twist as it affected Mexican children. The school law had never specifically identified them as a group to be segregated, even though they were officially thought to be included by the segregation statute. On January 23, 1927 the California Attorney General offered the opinion that Mexicans were Indians, thereby permitting school districts to segregate them.[15] In response to increased popular sentiment, an unsuccessful legislative effort was mounted in 1931 to provide local school boards with the power to establish separate schools for Mexican children as well as Indians. Finally, in 1935, pressure from local communities hostile to Mexican immigrants, as well as pressure from the Office of Indian Affairs calling for an end to the segregation of Indians, produced a strangely contorted piece of legislation which sanctioned the segregation of Mexican children. Mexicans, in effect, without being named, were identified as the only category of Indians marked for segregation:

> 3.3 The governing board of the school districts shall have power to establish separate schools for Indian children, excepting children of Indians who are wards of the United States government and children of all other Indians who are descendendants of the original American Indians of the United States, and for children of Chinese, Japanese or Mongolian parentage.[16]

As custodians of the state's school system and responders to the popular will, school leaders had little to say about racial problems, even to the extent of denying their presence. From the public record of the twenties and thirties one gains the impression that school people were genuinely committed to the American Creed. Even discriminatory acts were often justified in noble terms. Whatever inconsistencies became evident through the implementation of policy, the dominant ideal was still very much in evidence. Oakland's stated goals and choice of rhetoric were typical of the prevailing ideology:

To reach all children.

To provide all children with thorough training in citizenship.

To offer equal opportunity to all classes of children.

To Americanize and train for citizenship the foreign element of our population.

To provide junior high facilities for all children.

To provide high school facilities for all children.[17]

Certainly no state educational authority was more committed to the ideology of progressive education, including the democratic implications of that viewpoint, than the California State Department of Education. Nor was any large city in America more committed to that movement than Los Angeles.[18] Even on the precise matter of racial discrimination, the Los Angeles board and superintendent authored repeated statements in opposition to racial prejudice and discrimination. In 1931, when the legislature was considering legalizing the segregation of Mexican children, Los Angeles Superintendent Frank A. Bouell lashed out at the bill as "un-American," while Board President J. L. Van Norman opposed it on grounds that the public schools serve "the children of all residents regardless of race, color or creed."[19]

Such outspoken statements were the exception, however. Discrimination was not seen as a problem by most school administrators until well into the 1960's. The possibility of any injustice arising through segregation practices was hardly an issue that occupied their attention. David C. Lewis's survey of minutes kept by the Southern California City Superintendents Group revealed but one meeting between 1923 and 1942 where the issue of segregation was considered. On that single occasion in 1929 the focus centered on the relationship between school segregation and residential segregation.[20] Yet even though they were aware of the problem, the superintendents were not prepared to resist the tide of public opinion and other social realities.

Clearly the democratic ideal was being realized imperfectly. As early as 1924 State Superintendent Will C. Wood observed that the mingling of various nationalities in the schools was not producing tolerance and understanding sympathy between unlike peoples. Teachers, he declared, were not utilizing "the traditions of the Italian, the French, Spanish and Oriental children as a way for enlarging the horizons of their native American children."[21] For many schoolmen, this flaw in implementation, taken with social pressure for separation and a new scientific justification for separate classes,doubtlessly provided a perfect rationalization for segregation.

The main stream of the scientific movement in education was not focused on proving the mental inferiority of non-whites. Nevertheless, numerous published reports affirming their alleged mental inferiority made segregation easier to justify. So convinced were Americans of the inferiority of non-whites, particularly blacks, that they hardly needed test data to bolster their belief. By one count, 307 articles listed in the Readers Guide and published between 1800 and 1930 argued in some way that blacks were mentally inferior to whites. Only forty-three articles argued that blacks were mentally sufficient.[22] Even if most results from the new science were proclaiming non-white inferiority, the investigations were generally turning up narrower differences between the races than were advanced by the quasi scientists who a half century earlier were advancing the sub-human hypothesis.

A few of the new scientists were practically as inflammatory in advancing their conclusions as had been those of a former generation who weighed brains. Kimball Young, for one, saw all mental testing data as proof of the decided inferiority of Latin Americans. According to Young, the problem with Latin Americans, as well as with Southern Europeans, was a "considerable negroid strain" in their population. Clearly "amalgamation of inferior with average and superior" stock was to be avoided. Most assuredly the schools were urged to provide homogeneous ability grouping and differentiated materials in order to provide education consistent with these "scientific findings."[23]

Not all comparisons between white and non-white students showed non-whites to be at a serious intellectual disadvantage. In 1931 Hazel Whitaker completed a three year survey of the entire Negro student population in the Los Angeles City Schools, using as her chief source the files of the school district's psychology department. When social and geographic factors were held constant, Whitaker found that Negroes compared favorably to whites. Indeed, one of the difficulties she encountered with the matched pair comparison technique was in finding 100 gifted white pupils living in the same community with blacks.

In a majority of schools studied by Whitaker, the white pupils were found to be mentally inferior to the Negro pupils. Whites in that predominately Negro community were recent immigrants and of low wealth, whereas the blacks tended to be better off economically. First among Whitaker's recommendations was that educators needed, if not a changed view about the mentality of Negroes, at least a willingness to recognize superior mental ability in those among the race who possess it. The practice of discouraging talented black students because a particular occupation or profession was not open to them was identified as one of the "most reprehensible practices to be found among educators."[24]

Whatever the limitations of testing, the testing expert of the 1920's and 1930's was becoming the emerging prince of his field. At last, it was thought, children possessing given levels of talent could expect to receive an education consistent with their abilities. Wealth and race need not enter in, only the objective assessment of individual needs and capacity. Negroes too felt they could only gain from the objective assessment of a child's ability. Presumably testing would encourage school officials to direct black pupils into programs suitable to their ability rather than suitable to their race.

Even with test data, educators were hard pressed to justify segregating blacks. Most studies found Negroes possessing no curricular need peculiar to their race. Mexican youth, and to a lesser extent, Asian youth, did have unique needs in the area of language proficiency. Thus segregation based on that particular need became relatively simple to justify. For Mexicans the results of testing were devastating, as educators became increasingly convinced that segregation was warranted for educational reasons, while local communities were demanding it for less lofty motives.

Of the numerous M. A. theses, Ph.D. dissertations, and other studies completed on the subject of Mexican inferiority during the twenties and thirties, the one done by Merton F. Hill on Mexican pupils in Ontario became the best known. According to Hill, Mexican pupils were found to make 42.4 percent as good progress through the schools as American children. On academic work they were found to perform 58 percent as well as American pupils. In loyalty, conduct, and honesty, they ranked higher than in dependability, initiative, and energy, although in none of these qualities did they rank as high as American pupils. Problems related to the education of Mexican pupils could be solved, Hill believed, through scientific study, separate instructional programs, and by adapting procedures to meet their particular needs. Adult education programs, Americanization programs, and vocational education programs were seen as being in great need. Typical of the more sensitive educators of his day, Hill was careful to justify segregation on the basis of peculiar educational needs, not on social expediency or community prejudice.[25]

Although test results were used during this period and throughout the coming decades to help justify separate classes for Mexican children, by the middle 1930's the more alert educators were not oblivious to the cultural bias inherent in their tests.[26] An important scholarly highlight to that awareness trend was marked by publication in 1935 of Otto Klineberg's Race Differences. According to Klineberg, no adequate proof existed of fundamental race differences in mentality. Differences which were found he attributed to variations in culture and social environment.[27]

The attitude of educators toward racial inferiority likely had some effect on the extent of homogeneous ability grouping and more extreme forms of racial isolation in the schools. It is unlikely, however, that test results were the decisive determiner of policy. As early as 1933, Annie

Reynolds observed that, although social segregation was often the probable motive for isolating Mexican children, the reason generally cited was their special educational needs.[28]

Regardless of the motivation underlying it, the segregation of Mexican children was accomplished with little fear or trepidation by schoolmen. At the height of Mexican immigration, 1927-28, there were seventy-four "regular elementary schools" operating specifically for Mexican children in California. Another twenty-five migratory schools served the more mobile Mexican youth. Not all of the "regular schools" were totally segregated. Several enrolled as few as 50-59 percent Mexicans, but fifty-eight out of the seventy-four had a 90-100 percent Mexican constituency. Most of the segregated students, 88.4 percent, were found in the southern counties of Los Angeles, San Bernardino, Imperial, Orange, Riverside and Ventura.[29] By 1931, 84.6 percent of California schools reporting in one survey acknowledged practicing segregation. Those not choosing to segregate Mexican children in separate buildings generally relied on at least isolating them in separate rooms.[30]

Because they generally were not outspoken critics of segregated education during the 1960's, one might be led to believe that Mexican immigrants accepted segregation pretty much as it came. There is ample evidence that such was not the case. In Lemon Grove, Pasadena, Santa Ana, and likely other places as well, Mexican parents expressed nothing less than profound disappointment over segregation, and in at least one place, Lemon Grove, succeeded in bringing a successful court challenge to the practice.[31]

In January, 1919 the Mexican Pro-patria Club objected to Santa Ana's newly implemented practice of segregating their children. Knowing that the letter of California law did not sanction the segregation of Mexican youth, the board solicited the city attorney's opinion on the matter. After acknowledging that "there seems to be no provision empowering Boards of Education to maintain separate schools for Mexicans or other nationalities," City Attorney Scott offered the following counsel:

> I desire to advise the Board that under the present arrangements in the classification of the pupils entering the schools in Santa Ana, it is entirely proper and legal to classify them according to the regularity of attendance, ability to understand the English language and their aptness to advance in the grades to which they shall be assigned.[32]

With the city attorney's subterfuge plan agreeing with the school board's own disposition, there was nothing to inhibit the board from segregating Mexican children with impunity, a course they followed for the next twenty-eight years. As late as 1941 the city superintendent expressed fear that a certain decision on school housing would result in three elementary schools becoming "Mexicanized."[33] As with many neighboring communities, the majority sentiment in Santa Ana was not only to keep Mexican children segregated, but to keep them well within the safe confines of the barrio where they would not have to be seen by teachers, pupils, or members of the majority community.

Be the setting an agricultural and citrus community such as Santa Ana or Riverside, an affluent upper class town such as Pasadena, a white working class community like El Monte, or California's largest industrial center, Los Angeles, the picture was the same in its essential characteristics. With rare exceptions, Mexican and Mexican-American pupils were isolated from those of the majority culture. Invariably the call for segregation came from the majority community who resented the presence of Mexicans in their midst. Rarely did school administrators resist that call.

In spite of the quasi legal mandate for segregation expressed through attorney general and city attorney opinions, only Los Angeles regularly resisted direct appeals for segregation. Yet in certain communities, particularly the Belevedere area on the Eastside and in the San Fernando Valley, Los Angeles was as segregated as any place else. One Los Angeles administrator explained the problem as follows:

> Our educational theory does not make any racial distinction between the Mexican and native white population. However, pressure from white residents of certain sections forced a modification of this principle to the extent that certain neighborhood schools have been placed to absorb the majority of the Mexican pupils in the district. Neighborhood schools, as the term is used in Los Angeles, are schools so situated that a foreign language is spoken in from 76 to 100 percent of the homes.[34]

The extent to which a local community was prepared to go in order to achieve segregation can be seen in the case of Los Angeles' San Fernando Valley suburb of Owensmouth (now Woodland Hills). Although it was located some twenty-five miles from downtown Los Angeles, the Owensmouth community was within the jurisdiction of the Los Angeles City Schools. On September 12, 1921 the board received a petition from representatives of the Owensmouth Chamber of Commerce, and other "taxpayers and patrons" of the community asking that immediate steps be taken "to segregate the Mexican pupils in the Grammar School at Owensmouth."

Agreeing to "make every effort legally possible to meet the request," the board was concerned about the proposal's feasibility. Segregation generally implied higher costs and some reluctance was expressed about increasing the number of teachers. Nevertheless, in the interest of community harmony, a clubhouse located hear the Owensmouth Elementary School was operated for two years as a Mexican annex and branch of the main school. Even that concession did not meet with full public satisfaction. While Mexican children were in a separate and adjacent facility, they were still close enough to be seen and heard by majority members of the community, including children attending the main school.

On June 18, 1923, representatives from the Owensmouth Chamber of Commerce again approached the board, this time pointing out the recent growth of their community and recommending that a new building be erected in the Mexican settlement. Suitable acreage, they maintained, could be purchased at a "reasonable figure." Superintendent Susan Dorsey advised the board that funds were not available for a new elementary building at Owensmouth, but the citizen group was not to be deterred. The Chamber of Commerce, Merchant's Association, Womens' Club, Parent-Teacher Association, and American Legion post, strong in their determination to secure a school site in the southeast portion of Owensmouth (the Mexican quarter), offered to donate a 2-1/2 acre parcel if the board would construct the necessary "bungalows." After minimal delay, the offer was accepted and the mission accomplished.[35]

Similar cries for segregation were heard throughout southern California. For Los Angeles, Owensmouth was an exception. Where community pressure was less intense, the board continued to resist blunt demands for segregation. Segregation, therefore, was generally carried out in a relatively subtle and less flamboyant manner. Direct disobedience of the law did not set well in Los Angeles, especially when segregation could be justified for educational reasons. In many southern California communities it appeared that Mexican families were held in disdain rather more for their poverty and life style than for their ethnicity. There is no hiding the fact that white property owners resented providing education for the children of non property owning Mexican immigrants. For example, in the Los Angeles suburb of El Monte, Mexican children constituted about 30 percent of the school age population, but only about 15 percent of the Mexican families owned property. A state system of financing public education based heavily on the local property tax helped to aggravate an already tense situation.

State education officials, somewhat more sensitive to democratic ideology than the population at large, did attempt to persuade reluctant white custodians of local public schools at least to admit Mexican children. At the same time they attempted to persuade potential Mexican constituents of public education to partake of such opportunities as were provided. Begging the question of whether separate educational facilities theoretically could be made equal, it is highly improbable that even the physical elements of the school learning environment ever approached equality. The situation in El Monte was quite typical of working class neighborhoods where Mexican-Americans constituted a visible minority. Two elementary schools were present in that community, Columbia School and Lexington School. Columbia was a relatively new and well equipped school intended to serve white children, while Lexington was a poorly equipped facility intended for Mexican-Americans and a few Japanese. Prior to September, 1928 Mexican youth who successfully completed their work at Lexington could transfer to Columbia for grades six through eight. Beginning in 1928 that policy was liberalized slightly to permit transfers after the fifth grade.

According to District Superintendent Frank Wright, Mexican children were suspicious about being segregated so long, refusing to believe that the policy was instituted for educational reasons. Their perception was hard to fault. In class size alone the Columbia School had first grade enrollments of 32, 24, 23, and 25 students. Lexington School enrolled 41, 45, 39, and 39 students in its ill-equipped first grade classes. Only after surviving the fifth grade at Lexington were Mexican pupils entitled to attend school with other children. Few made it--in El Monte or anywhere else.[36]

Although Mexicans constituted 39.5 percent of El Monte's enrollment in grades one through four, they represented only 17 percent of the enrollment in grades five through eight and 7.7 percent of the eighth grade graduates. While intermediate, junior high, and high schools were rarely segregated, not until the 1940's did a majority of Mexican-American youth in California advance beyond the sixth grade. Claims by school officials to the contrary, there is good reason to question any assertion that segregation was calculated to improve the condition of Mexican children, and to suspect that its effect was quite the opposite.

Negro school patrons were little concerned with school segregation during the 1920's and only slightly more concerned during the 1930's. Indeed they had little to be concerned with. Nevertheless, the Los Angeles school board and administration reluctantly cooperated with white neighborhood groups in creating segregated schools during this time. Because state law clearly did not sanction a dual school system, and because it was difficult to maintain that Negroes required separate facilities on educational grounds, all deliberate segregation was accomplished through the manipulation of school boundaries, the location of new schools, and a selective transfer policy.

School attendance zones clearly contributed to the definition of neighborhoods. In Los Angeles, white citizens were aware of this and remained vigilant both to where blacks were living and where the school district located its attendance areas. Likely because their number was small, the Los Angeles Board of Education was more firm in resisting the segregation of black children than it had been in resisting the segregation of Mexican youth. In virtually every year after 1920 the board denied direct requests for segregation which were advanced by one community group or another. Occasionally they even accompanied their denial with a short discourse on Americanism.

Although Los Angeles school officials never agreed publicly to segregation, they did cooperate in seeing that segregation was accomplished, usually in the interest of maintaining community harmony. While it is difficult to square a belief in the American Creed with calls for segregation, it is likely that some white residents of Los Angeles during the twenties believed in both. They simply saw their right to live apart from blacks as a kind of inalienable right in itself, as witness the contorted logic of one communication sent to the school board on July 18, 1921:

> . . . it is well understood that any citizen, regardless of race or color, is entitled to equal rights with the rest of the people and that it is disasterous to property values in the residential district to plant a person of different color in such a community.[37]

After some rambling, the central point developed in that communication was a request for the board to keep the north side of Jefferson separate from the south side of Jefferson by not locating any school near the Jefferson Street line. Although no such plan was contemplated, the board did agree to keep the communication "on file for future reference." On that and later occasions the board and administration tried to cooperate with citizens on boundary questions that generated strong feelings. Cooperation of this sort was seen as somehow different from agreeing to overt acts of segregation. Actually the board appeared more committed to efficiency than to either segregation or integration, but, influenced by the vocal white community, they were prepared to surrender a bit of efficiency in the interest of harmony. Of the several boundary questions arising during the late 1920's, none aroused stronger feeling among whites than the line dividing the attendance areas of Jefferson High School and Fremont High School. Although Jefferson was not yet an exclusively black and Mexican school in 1929, it was recognized as the principal black school in town. Fremont, on the other hand, was completely white.

By 1929 it was apparent that Jefferson was underenrolled, while an opposite problem was developing at Fremont. Thus, consistent with its propensity toward efficiency, the board extended the attendance area of Jefferson, while constricting that of Fremont. The white response was immediate. Approximately 800 persons residing in an area bounded by the City of Huntington Park, East Florence Ave., Compton Ave., East 59th St., Central Ave. and East Slauson Ave., signed a petition prepared by the

Florence Chamber of Commerce seeking to have the action rescinded. On this occasion, as on others, the board left boundary questions to the superintendent.

Contrary to its original and best judgment, the administration adopted a policy which contributed nothing to solving the problem of light enrollment at Jefferson and heavy enrollment at Fremont. In May, 1929 the area in question was designated as an optional territory, permitting all whites who wanted to escape Jefferson to do so. Efficiency was sacrificed in the interest of community harmony and segregation. No direct segregation order was issued, but segregation was consciously permitted to happen, school officials choosing a kind of innocent middle ground. There was no middle ground regarding the effectiveness of the policy. Ten years later not a single black student was enrolled at Fremont.

Special schools within the system did not allow for the more subtle boundary line, optional territory, or separate rooms approach to segregation. The enrollment was simply too low to permit this option. Consequently, when Los Angeles opened the nation's first welfare center for girls in 1925, Negro girls were not admitted. Later they were assisted at another welfare center, but were not permitted to enter the special high schools. The situation with boys was similar. When the Jacob A. Riis High School for maladjusted boys opened in February, 1929, the potential black enrollment was limited to 10 percent of the total. Sentiment in the community reportedly would not permit a larger proportion. Eight years later the new Andrew Jackson High School for boys with social problems was opened. This time no Negro youth were permitted at all, the board bowing to local pressure against blacks.[38]

Although school officials in California were not required to take a racial census between 1911 and 1966, Los Angeles administrators felt the urge to take a confidential census of their schools in 1938. Increased pressure from the Negro community, most of it surrounding teacher hiring practices, probably stimulated the action. Coming well before the post World War II population boom, the 1938 accounting provides a valuable base line for later comparisons. In spite of some discriminatory practices and subtle forms of segregation, the extent of segregation at that time was modest by standards of the 1960's and 1970's. Of the 124,941 pupils then in the Los Angeles schools, only 6,310 were black. Eight of the elementary schools had enrollments exceeding 90 percent Negro and Mexican. One junior high enrolled 1125 Negroes and 215 Mexicans among its 1,591 pupils. Jefferson High and Jordan High (formerly Watts High School) were the real but unofficial centers of non-white enrollment. Indeed, although there were forty-one high schools in Los Angeles at the time, Jefferson enrolled an absolute majority of the city's blacks. In the community of Watts, soon to become a major center of the black population in Los Angeles, Jordan High enrolled 804 Mexican-Americans, but only 533 blacks among its 1,749 students.

Unlike the segregation of Jefferson High which was affected by an "optional territory" decision in 1929, the segregation of Jordan was accomplished in stages. When Watts was annexed to Los Angeles in 1925, the school was located pretty much in the center of its attendance area, between 92nd Street, San Luis, Imperial Highway, and Central Avenue. Beginning in the early thirties a series of developments led to Jordan resting on its eastern boundary, one that represented the eastern extremity of the black population and the western extremity of the white population. Factors leading to this development included an increased migration of Negroes into the southern section of Los Angeles between Alameda St. and Central Ave., and the annexation of South Gate High School into the Los Angeles School District. South Gate High, 2-1/2 miles from Jordan was understood to be a school for whites only, as was Fremont High, located 3-3/4 miles from Jefferson.

Racial isolation was not total by any means. Even with 1,183 blacks at Jefferson, and 533 at Jordan, there were still 825 black youth distributed among the other thirty-nine high schools. But as far as the Jefferson-Fremont and Jordan-South Gate zones were concerned, the quiet policy of segregation was working without a flaw: Jefferson, 1,183 blacks, Fremont, none; Jordan, 533 blacks, South Gate, none.[39]

Segregation through the setting of attendance areas was definitely a concern of blacks in Los Angeles during the 1930's. So were other discriminatory practices, including "darkie shows," textbook distortions on race, segregated girls shower facilities at Jordan High, and prejudicial guidance practices. But it was perceived discrimination in the appointment and assignment of Negro teachers that aroused the first really vigorous criticism of the Los Angeles school system by blacks and liberal white groups. Older and more conservative blacks were generally supportive of the board's effort on that front. As early as 1926 the board was congratulated by the African Methodist Church Ministerial Alliance of Los Angeles for its "unbiased manner of placing Negro teachers."[40] Eight years later both black newspapers, the Los Angeles Sentinel and Eagle urged the re-election of three incumbent board members because of, as the Sentinel put it, their "freedom from Color Bias!"[41]

As the thirties waned and the forties emerged, the former support was giving way to demands of newer leaders in the Negro community for more black teachers in the system, together with the assignment of teachers to secondary school positions, and to schools not yet predominantly black. During the 1935-36 term, twenty-eight blacks were included among the 4,829 elementary teachers in the system. By July, 1939, there were forty-five Negroes out of 4,539 teachers at that level. Los Angeles' secondary schools had no Negro teachers at all in 1936, but eighteen in 1939.[42] Clearly, even before the start of World War II, the board was increasingly being put on the defensive by the city's black leadership. Some improvement in the direction of equality occurred in hiring practices, but on the major issue of pupil segregation, the predicament steadily worsened.

Unlike the children of Mexican immigrants and Negroes, the treatment accorded Asian children in the schools was decidedly mixed, corresponding closely to the extent of their concentration in the population. Whatever one might say about the Los Angeles school board, its members were not prepared to make really extreme sacrifices in efficiency in order to achieve segregation. This they would have to do in order to segregate the few Asian children found in the city. Consequently the few appeals made by whites for the segregation of Chinese or Japanese children were politely dismissed by the board. San Francisco, on the other hand, continued to be a major center of anti-Asian feeling, albeit not to the extent experienced during earlier decades. Even there school officials were finally willing and able to resist impractical demands for the segregation of Japanese children.

By the mid 1920's San Francisco renounced its long standing policy of maintaining officially designated schools for Chinese children. On May 11, 1926, for example, the board stood up to a group of whites from the Central Council of Civic Clubs and the North Beach Improvement Association who were demanding segregation at the junior high level on behalf of 351 petitioners. The community groups pointed to state law which still sanctioned the maintenance of segregated schools for Chinese students, and assailed the board for inconsistency by maintaining segregated facilities at the elementary level, while refusing to do so at the junior high level. Whatever can be said for the board's newly discovered sense of racial justice, its sense of local school history was sorely lacking, as witness the following statement from the board minutes:

> The delegation was informed that if the Board had established a Chinese School it was not with the thought in mind that the school be a segregated school, but rather with the idea of enabling the children of that section to attend a near-by school.[43]

Because Japanese immigrants tended to be employed in agricultural pursuits, they were more likely to meet hostility in the farming communities than in the major cities. Sacramento, more than either San Francisco or Los Angeles, was the center of anti-Japanese rhetoric, expressed most vehemently through V. S. McClatchy's Sacramento Bee. During the Pacific Coast hearings of the House Committee on Immigration and Naturalization in the summer, 1920, McClatchy reached his peak in vitriolic rhetoric. It was likely more than a coincidence that shortly after these hearings, legislation was approved specifically naming

Japanese as an acceptable target of segregation in community schools. Four small communities, all within a thirty mile radius of Sacramento, erected separate school buildings in order to segregate Japanese children.[44] Japanese constituted the majority group in each of these four districts. Likely it was this factor, coupled with a basic prejudice against their race and the local fear of agricultural competition, which produced the hostility. While a negative attitude toward Japanese was not unique to these Sacramento Valley communities, their extreme segregationist policy was unique.

CHAPTER VIII

SCHOOL SEGREGATION IN TRANSITION, THE 1940's AND 1950's

The fast moving tide of social and political developments beginning with World War II produced dramatic improvement in the civil rights and employment opportunities which were accorded to non-whites. Paradoxically, it also marked the beginning of an era that witnessed unprecedented levels of segregation in housing and schooling. Most of the disparity between certain advances toward social equality on one hand, and increased racial isolation on the other, is accounted for by a steadily increasing concentration of non-whites in the large cities. Between 1940 and 1950 the percentage of Negroes in the total population of California rose from 1.8 to 4.4, and by 1970 it had grown eight fold from the 1940 level. Similarly, after declining during the depression years, Mexican immigration rose again after 1940. By 1950 persons of Spanish surname constituted 7.2 percent of the state population, with Japanese, Chinese, Filipino and American Indians making up 2.0 percent of the total.

Even in 1940 California ranked fifth among the states in percentage of population concentrated in urban areas. Nearly three-fourths of the state's inhabitants lived within seven metropolitan districts. Forty-two percent of the total, 2.9 of the 6.9 million, resided within the Los Angeles metropolitan area. Another 1.42 million lived in the San Francisco-Oakland metropolitan district.[1] A more complete sense of where the non-white population resided is shown in Table 11.

TABLE 11. 1940 AND 1950 CENSUS FOR SELECTED CITIES BY RACE

City by Year		White	Negro	Indian	Chinese	Japanese	Other
Sacramento	1940	99,808	1,468	81	1,508	2,879	214
Sacramento	1950	126,889	4,538	89	--	2,884	--
San Francisco	1940	602,701	4,846	224	17,782	5,280	3,703
San Francisco	1950	693,888	43,502	331	24,813	5,579	--
Berkeley	1940	80,267	3,395	16	397	1,319	152
Berkeley	1950	96,268	13,289	35	1,689	2,147	--
Oakland	1940	287,936	8,462	121	3,201	1,790	653
Oakland	1950	328,797	47,562	168	5,531	1,250	--
San Jose	1940	67,406	291	16	176	423	145
San Jose	1950	93,231	591	45	192	872	--
Stockton	1940	49,632	875	28	1,052	1,259	1,868
Stockton	1950	63,549	3,113	40	1,825	878	--
Pasadena	1940	76,737	3,929	81	73	795	249
Pasadena	1950	94,799	7,820	78	142	1,452	--
Los Angeles	1940	1,406,430	63,774	862	4,736	23,361	5,154
Los Angeles	1950	96,268	13,289	956	8,067	25,502	--
Santa Ana	1940	31,703	158	5	13	26	16
Santa Ana	1950	--	--	--	--	--	--
Riverside	1940	32,828	881	748	3	220	16
Riverside	1950	44,484	1,805	276	10	163	--
San Diego	1940	196,949	4,143	143	451	823	830
San Diego	1950	316,023	14,904	210	701	1,026	--

SOURCES: U. S., Bureau of the Census, Sixteenth Census of the United States, 1940, vol. II, pt. 1: Population (Washington, D. C.: Government Printing Office, 1943), pp. 568, 599, 601-2, 630, 637, 644, 651 and 658; Seventeenth Census of the United States, 1950, vol. II, pt. 1: Characteristics of the Population, California (Washington, D. C.: Government Printing Office, 1952), pp. 97, 100-4, 179.

NOTE: The classification 'white' includes Mexican immigrants and their descendants. Only in the 1930 census were Mexicans classified separately from other whites.

One unprecedented and unique act of segregation was imposed by public officials during World War II. Beginning shortly after the relocation order of May 3, 1942, Japanese-Americans and Japanese immigrants were shuttled off to relocation centers outside the major west coast cities. Necessarily this included the most explicit form of school segregation imaginable, although it was not the result of decisions made by school officials. On the contrary, local administrators and boards occasionally made efforts to permit high school students who were summarily removed from their schools a month before graduation to graduate anyway.

The disruption of normal activities of life and the hardships which ensued, including a disruption of educational progress, constituted discrimination in the extreme. Yet even as this event was one of the most outrageous short term assaults on civil liberties conceivable, the overall acceptance of Japanese youth into the public schools was nearer to being realized than was the case with any other non-white minority. Acceptance by the dominant majority was likely the result of circumstances surrounding Japan's defeat in World War II, the close national ties that developed during the reconstruction program that followed, and the determination of Japanese-Americans to succeed by American cultural, educational and economic norms.

Chinese-Americans were not accepted as full social equals by American society at large or by the schools, but their fate was not particularly controversial during and after the second World War. Since American public education emphasized the values of the dominant society, many Chinese became converts to the dominant culture, while others chose to persevere according to the customs of their homeland. In either case, the lingering stereotype which associated the Chinese with lower working class occupations, e.g., laundry and kitchen duties, worked to force social isolation upon the group, especially in San Francisco where the Chinese population was most heavily concentrated.

Not surprisingly, most non-white arrivals settled in cities that were also attracting whites. Chief among the attractions, at least for Negroes, was California's not altogether deserved reputation for comparatively favorable work opportunities, or in any case, less discrimination than was found in the East and South, and improved educational opportunities. By 1950 the non-white population of Los Angeles County exceeded half a million, and included 13 percent of the total. Of this group, 285,986 held Spanish surnames, 217,881 were Negroes and 45,948 were Asians. Negroes had been moving to Los Angeles County in steadily increasing numbers since 1880, but between 1940 and 1950 the number tripled. Though their segregation would intensify during the forties, blacks were already the most segregated of the city's minority groups at the start of that decade.[2]

After Los Angeles, Oakland became the second major center for Negroes in California. Their first real incentive to seek out Oakland came during World War I when the Union Pacific Railroad, shipyards and defense industries became the principal employers. Lack of employment opportunities outside of menial service fields had long been a problem, but with the coming of the war, a need for additional personnel in war related industries brought something of a breakthrough. As the black population increased, so did social prejudice against them, followed by heightened tensions. Employment and housing conditions were still grim, yet blacks came and blacks stayed. Perhaps an article in the NAACP's Crisis magazine, describing good and bad conditions faced by a Negro family in Oakland during 1946, helps to explain the situation:

> Things are bad; they are very bad for Willie Stokes and his family out in California. But they will stay; there are good reasons. In California his children go to the same schools as other children. They go for nine months during the year. The buildings are new and warm and well lighted. He can ride on a bus without having to take a rear seat marked "colored." He can attend any movie and take any seat he likes; no climbing the long flights of stairs to the uppermost stuffy balcony. He can walk down the street without having to move toward the curb when a white man passes. He isn't required, on perhaps pain of beating or arrest, to say "ma'am" to the women clerks in the stores.
>
> . . . . The most important and immediate problems are employment and housing. Related to these are health, welfare and education and innumerable difficulties with which the general public is only remotely acquainted. But the potential resources of the community and of the Negro group itself suggest that eventually Negroes can achieve a more wholesome and complete adjustment in the Bay Area than they have in any of the larger industrial centers.[3]

For all the optimism expressed by blacks, the intensity of white prejudice against them was as great as ever. "Prejudice in the United States," observed Eugene Horowitz in 1944, "is a social norm." Like the nation at large, the generalization applied to Oakland, Los Angeles, and the whole of California. White America's basic view of non-white inferiority remained unchanged. Not until 1948, for example, did the California Supreme Court invalidate the state's anti-miscegenation statute which applied originally to Negroes and mulattoes, but was amended in 1905 to include "Mongolians," and in 1933 members of the Malay race.[4]

Except perhaps for the Japanese, alleged biological inferiority was often seen as the principal explanation for any anti-social behavior observed in non-whites. A special report authored by officials of the

Los Angeles Sheriff's Department in 1942 acknowledged that numerous sociological and economic factors contributed to crime, but saw the principal problem as biological in nature:

> Although a wildcat and a domestic cat are of the same family, they have certain biological characteristics so different that while one may be domesticated, the other would have to be caged, to be kept in captivity; and there is practically as much difference between the races of man.

In fairness to the Sheriff's Department, they were also aware that discrimination existed in Los Angeles County, as witness another section of the same report:

> Discrimination and segregation as evidenced by signs and rules such appear in certain public swimming plunges, public parks, theatres, and even in schools, causes resentment among the Mexican people. There are certain parks in which a Mexican may not appear, or else only on certain days of the week. There are certain plunges where they are not allowed to swim, or else on only one day of the week, and it is made evident by signs reading to that effect; of instance, "Tuesdays reserved for Negroes and Mexicans." Certain theatres in certain towns either do not allow the Mexicans to enter or else segregate them in certain sections. Some restaurants absolutely refuse to serve them a meal and so state by public signs.[5]

Group assertiveness, political action, and court challenges continued to prove the most potent stimuli for improving conditions. Negroes in particular had met with success on the political front, even electing Mrs. Fay Allen, a black woman, to the Los Angeles Board of Education in 1939 and re-electing her for another two year term in 1941.[6] Especially difficult for blacks during the post depression era was that the accumulative social realities were simply becoming too great to be overcome by concerted political action. In nineteenth century California blacks had called attention to their economic potency and organized for legislative and court assaults on discriminatory practices. Political power still could make a difference in combating legislated forms of segregation, but it was helpless against the onrush of residential segregation which led to so-called "defacto" segregation of schools.

Although the United States Supreme Court held in Shelley v. Kraemer that restrictive covenants against non-whites were not enforceable by law, there remained nothing to prevent voluntary segregation in housing.[7] By the same token, restrictive covenants were not proving effective deterrents to non-white occupancy when whites chose to sell to non-whites. Indeed, according to a prominent Negro attorney, it was estimated in 1946 that well over half of all real estate occupied by blacks in Los Angeles was technically protected from such occupation by restrictive covenants.[8] For Los Angeles the short range effect of the Shelly case was to permit expansion of existing non-white areas, thereby permitting three relatively small black neighborhoods to become expanded into a single large black residential area.

A study conducted in 1939 by the Los Angeles Housing Authority of 250,000 dwelling units, mostly in the central areas of the city, revealed the following percentage of ethnic groups living in substandard housing: Anglo-Americans, 18.3 percent; Negro-Americans, 28.6 percent; Oriental-Americans, 17.2 percent; Mexican-Americans, 59.6 percent.[9] The housing shortage of World War II likely aggravated an already bad situation. A special census made in April, 1944 showed that Negroes in the metropolitan district had increased since April, 1940 by 58,791, or 78.2 percent.[10] As Negro arrivals crowded into unused stores and restaurant buildings, their sorry plight became increasingly apparent, even though some relief was available through public housing.

Mexican-Americans and Mexican immigrants were the most frequent victims of poverty neighborhoods, including poor housing, high crime and poor opportunities for education and recreation. According to a 1941 report of the Works Progress Administration, most Mexican neighborhoods comprised the "Less Chance Areas of the City of Los Angeles." Among these was the Hollenbeck area, the most deteriorated area of all, but home to 5,510 Mexicans and Mexican-Americans.[11]

With the neighborhood school concept already well a part of American life, increases in residential segregation necessarily gave school segregation a major boost. Yet the involvement of local school districts in helping to achieve and maintain segregation in schools was not a totally passive one. Though they were not primarily responsible for drawing neighborhood boundaries, the school attendance areas defined by school boards and administrators did have a potent effect on whether or not a given school was segregated. Sometimes at the urging of local communities, sometimes simply by anticipating community expectations, local school authorities defined streets, boulevards, or railroad tracks as barriers beyond which non-white students were not permitted to tread. Those whites who through personal circumstance found themselves in the "wrong" area were frequently accommodated by school district policies such as optional attendance areas and pupil transfers.

Racial isolation through carefully defined attendance zones continued to be the most common means of segregating blacks. The segregation of Mexican-Americans, on the other hand, continued to be handled more openly and boldly, owing to the ambiguous legal status of segregating children of Mexican descent and the uniqueness of their conditions. Virtually all problems observed in the 1920's relating to the education of migrant farm workers' children were still present in the 1940's. Entire families were still moving from one community to another during the harvesting season. Beyond that specific problem, the long standing practice of segregating children of Mexican descent, which had begun during the 1910's, was growing more intense during the 1920's and 1930's. Even at the close of World War II, conditions had not changed for the better. Elis Tipton, who served as principal of the San Dimas Elementary School during the 1940's, described the history of the problem in her small community as follows:

> When the Mexicans arrived in San Dimas, during the first world war, they willingly accepted segregation in a Mexican colony: In the strange new environment, huddling together gave them a greater sense of security. In the school the children were segregated in the primary grades only. During the postwar reaction against all foreigners, which was strong in the local community, there came a demand for complete segregation of all children of Mexican ancestry. By this time a considerable number of these pupils were enrolled in the upper grades of the elementary school and in the high school.
>
> In response to the demand, a small frame building was erected behind the main elementary school building. Here all the Mexican and Mexican-American children of the elementary school were housed. In time a few who showed special aptitude were admitted to the "American School." So eventually were all seventh and eighth grade pupils, because of an overcrowded condition in the "Mexican School." Although the two buildings were separate, the children used the same playground. Needless to say, there was constant friction.
>
> After 1937 this ever-growing tension manifested itself in frequent fighting on the common playground. Attitudes of school children reflected the bitterness of older Mexicans who resented the fact that the local citrus packing houses would hire no Mexican workers, either men or women, inside the plants, because native American employees refused to work with them; that high school graduates failed to obtain jobs

> commensurate with their abilities; and that indignities were being constantly heaped on Mexicans by other members of the community.
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> Misunderstanding of the Selective Service Act greatly intensified the existing tension; and resentment increased against the practice, at that time almost universal, of refusing employment to Mexican-Americans in defense industries.[12]

Even though it took a court case to end the practice, by the mid 1950's educators were becoming increasingly sensitive to the injustice of overtly segregating Mexican-American children. Concurrent with this trend was an increased awareness of the need for intercultural education programs, accompanied by a still infrequent willingness to deal with racial issues in the classroom. Several studies of the era concluded that both the attitudes and achievement of Mexican youth were improved in a desegregated setting.

Helen Heffernan and Corine Seeds, two of California's best known progressive educators, did through the weight of their considerable reputations on the side of "gradually" ending segregation. As chief of California's Division of Elementary Education, Helen Heffernan had been the state's most articulate progressive voice since the 1930's. The influence of Corine Seeds, principal of UCLA's University Elementary School, was only slightly less prominent. Both were intent on designing curricula that would contribute to intercultural understanding. Since both also viewed assimilation of diverse elements in the population as an objective of education, it followed that they would denounce segregation as a hinderance to this goal:

> Segregation, therefore, represents a practice which schools should endeavor to eliminate gradually through processes of community education. In many instances, too, the school must

> strive to improve the health, manners, and behavior of the minority group itself in order to remove the only legitimate justification which can be advanced in a democracy for policies of segregation. While segregation is destructive of the sound mental health of minority people because it produces feelings of insecurity, inadequacy, and separation from the social group, segregation has equally detrimental effects upon the dominant group. The enrichment of experience which results from wide contact with people of different customs and ideas is denied, provincialism develops, and some feelings of guilt inevitably attaches itself to treatment of human beings which is not consonant with the ethical philosophy to which the dominant group subscribes.[13]

More potent as a stimulus to policy change than either research findings or a mellowing of opinion among educators was the influence of the courts. Until the middle 1940's, "Mexican schools" were common throughout southern California, sometimes the direct result of board policy; sometimes the result of school boundary decisions made by school administrators. In either case the result was the same. Because the concentration of Mexican immigrants was great enough in many small communities to make segregation feasible, the persuasive practical argument against the practice was lost. The redress of Mexican grievances was most likely when Mexican schools were denied equal claim on material resources. Even the small community of Cucamonga, with but two elementary schools, maintained one school in the central part of town which served white children and another in south Cucamonga with a nearly 100 percent Mexican-American enrollment.

At the time legally sanctioned segregation of Mexicans came to an end following the case of Mendez et al. v. Westminster School District of Orange County, et al., 1947, an estimated one-fifth of all non-metropolitan schools in California were still, as a matter of conscious policy, segregating most children of Mexican descent. Numerous others were segregated by neighborhoods, a condition that was shared by whites and non-whites alike. Though they had not yet developed a history of political action, Mexican-American parents in several southern California communities were determined to force an end to the segregation of their children. In the years immediately preceding the Mendez case, several Mexican-American families tried desperately to get their children enrolled in other than all-Mexican schools. When transfers were denied, some families in Santa Ana even gave false addresses so that their children would appear to live in a favored attendance area and attend a favored school.[14] Of the four discriminating districts cited in the Mendez case, Santa Ana did allow Mexican-American children to attend school in the zone of their residence, a practice not permitted in some other communities.

Beginning in 1946, a group of Mexican-American parents in Orange County organized themselves into the League of United Latin American Citizens for the purpose of initiating legal action against the school districts of Westminster, Garden Grove, El Modeno, and Santa Ana. Claiming their right to equal protection of the law guaranteed by the Fourteenth Amendment, they charged that the four school systems followed a concerted policy of class discrimination against persons of Mexican or Latin descent in the operation of their elementary schools. An injunction against the rules, regulations, customs and usage that required the segregation of Mexican-Americans was asked. Specifically, the segregation practice extended through the fifth grade in one of the districts, through the sixth in a second, and through the eighth in the remaining two. No issue at all was made of unequal facilities, equipment, texts, quality of teachers, or other tangible elements in the school environment.

Counsel for the defendant school districts maintained that no substantial Federal question was involved, no Federally guaranteed rights had been denied, and no unusual treatment had been meted out to Spanish speaking children. As for segregation, the Santa Ana board maintained that the proportion of Mexican-American children in each of its fourteen elementary schools corresponded almost exactly with the proportion of Spanish speaking families in each school zone. The other three districts explained that Mexican-American children were put into separate schools only for educational reasons, not for the purpose of social segregation.

District Judge Paul J. McCormick apparently was little impressed by these arguments, finding that segregation of Mexican children was not permissible under either the Federal Constitution or the laws of California. Indeed, his prophetic decision was written in sweeping terms, one which included a flat rejection of the historic separate but equal doctrine:

> "The equal protection of the laws" pertaining to the public school system in California is not provided by furnishing in separate schools the same technical facilities, textbooks, and courses of instruction to children of Mexican ancestry that are available to the other public school children regardless of their ancestry. A paramount requisite in the American system of public education is social equality. It must be open to all children by unified school association regardless of lineage.

Orange County Counsel Joel E. Ogle was the primary proponent of appeal, holding firmly to the opinion that Federal courts lacked jurisdiction because public education was a state responsibility. It was his wish to see the question pursued all the way to the Supreme Court if necessary. The school districts felt less strongly, and after having had their first appeal to the 9th Circuit Court of Appeals rejected, were unwilling to let Ogle lead them to the Supreme Court..

While the Circuit Court upheld the lower court's decision, it did so on narrower grounds, namely that the segregation complained of was in violation of state law which provided only for the separation of Indian and certain Asian children. Thus equal protection of the laws, as guaranteed under the Fourteenth Amendment, was indeed being denied to the Mexican-American children. In one of the concurring opinions, Justice Barksdale warned against the appropriateness of a court striking out independently on the question of segregation, maintaining instead that segregation still would be acceptable if pursued in accordance with state "separate but equal statutes." Like the trial court before it, the Circuit Court recognized that Spanish speaking children learn English more readily in mixed than in segregated schools, thereby refuting the educational reason advanced by the school districts for maintaining segregation.[15]

With few exceptions, local school people continued their long standing reluctance to assume a leadership role in attempting to end segregation. Although its voice was not loud nor its influence powerful, the Southern California City Superintendents Group did speak out once on the issue: "Any action to separate racial groups, by redrawing logical service area boundaries, is both dangerous and discriminatory," said the superintendents.[16] The occasion for this isolated statement was the need of a particular superintendent for moral support in helping one member of his district's board resist local pressure for segregation. Generally communities expected their superintendents to remain silent on controversial issues. Since superintendents almost invariably shared the same values as the communities they served, conflict was rare. So was moral leadership.

Nevertheless, the passing into history of the Mendez case coincided with a more general trend away from overt legally sanctioned segregation and other forms of discrimination. By the early 1950's the larger urban districts were becoming sensitive to any mention of race on student and employee records. As early as November 22, 1949, all principals, directors and supervisors in Los Angeles were ordered not to give any racial, religious, or cultural background information to anyone, nor even to make any informal statements on the subject. Fifteen months later they were ordered not to record the race of pupils.[17] Similarly, Los Angeles and other large city school systems began to adopt a partial "color blind" policy toward job applicants. Applications from non-whites were received and their qualifications assessed in an equitable way. Actual employment, however, was often dependent on a suitable opening in a non-white school. With relatively few schools enrolling a majority of non-white pupils, officials were unwilling to approve any substantial number of minority teachers. During the forties in Los Angeles, for example, Negroes were welcome as regular and substitute teachers at about a dozen elementary and four secondary schools, specifically those at which Negro pupils predominated or formed a high percentage of the student body. Whites, on the other hand, could be assigned to any of 290 elementary schools or any of sixty-nine secondary schools.

Certain affirmative steps which had been taken to reduce discrimination notwithstanding, the 1940's and 1950's witnessed an accelerated rate of segregation, owing primarily to a rapid influx of non-white population, and secondarily to a series of administrative decisions regarding school attendance areas. All the while neighborhoods were being transformed from all-white, to mixed, to all-black and other non-white at a prodigious rate, producing considerable community strain in the process. One regular fact of life was that white parents objected at every turn when it appeared that a given attendance area would have a significant increase in non-white youth. Property owners in Los Angeles, Pasadena, Santa Ana and elsewhere were concerned with real and suspected decreases in property value owing to changes in neighborhood ethnicity. Their fear provided a formidable basis for attempting to pressure local school authorities into helping preserve white neighborhoods where possible, or at least to accommodate whites who remained behind in their old neighborhoods. For a time school officials were able to help, particularly with reference to the latter step. Transfer policies and optional attendance areas were established in order to relieve white children from attending predominately non-white schools.

Well established as California's principal population center, Los Angeles also represented the most prominent illustration of community transition and accelerated racial isolation in its schools. In spite of Jefferson High's long standing reputation as Los Angeles' black high school, it was not until the spring, 1948 that the school administration sanctioned its total segregation. Then, in response to requests from parents of the remaining white students attending the school, an optional territory was created on Jefferson's west side which fronted the white community. According to Superintendent Vierling Kersey, the optional territory was necessitated by overcrowding at Jefferson.

In spite of vigorous objections by the NAACP chapter, numerous groups from the black community, the school's PTA, and the principal, Jefferson was finally allowed to become an all-black school. The messages predicted that this would occur, and that the cosmopolitan aspect of the school would be lost. But these were irrelevant considerations to the district administration. Creating an optional territory, reasoned the superintendent, would be a courtesy to students wanting to attend Poly High. Since students were not being pressured to leave Jefferson, surely no one could object to freedom of choice.[18] Well before this action was taken blacks were becoming increasingly critical of Thomas Jefferson High School. Former students criticized the school's alleged ineffectiveness in teaching English grammar and composition. In August, 1942 a citizens' group demanded that the principal be fired, that a Negro principal and more Negro teachers be appointed, and that defense training classes be opened at the school.[19]

The situation at Jordan High School, Los Angeles' other high school with a substantial non-white enrollment during the early forties, was also less than happy. There a heavy concentration of commercial courses helped to encourage white students to seek transfers to other high schools. Yet until well into the 1940's the elementary schools in Watts were interracial, both in their teaching staffs and student bodies. Morale was high, and the school system was viewed as one of the few positive factors contributing to community integration.

Lasting community integration was not to be found in Watts or elsewhere in California. In the fifteen years following World War II the Negro population of Los Angeles expanded rapidly westward from several small bases in the southeast part of the city. Between Olympic Boulevard on the north and Slauson Boulevard on the south, a solid transition from white, to mixed, to black, developed rapidly after the war. Jordan and Jefferson High Schools had been substantially non-white since the thirties. By 1950 they were joined by Fremont, a school which as late as 1940 had been totally white, and one that the administration had tried futilely to protect from black enrollment. Other high schools, namely Dorsey, Los Angeles, and Manual Arts were also showing dramatic transitions from white, to non-white, including Negroes, Asians, and a relatively few Mexican-Americans.

By the close of the fifties, most of the city's elementary schools were largely all white or all non-white. Junior highs, owing to the larger attendance areas from which they drew students, were somewhat less segregated than the elementary schools. Of Los Angeles' 404 elementary schools in 1959, forty-three had overwhelmingly black enrollments, thirty-four were overwhelmingly Mexican-American. Of the fifty-five junior highs, blacks dominated the enrollment in seven, Mexican-Americans constituted the heavy majority in four. Among the thirty-eight senior highs, only three were predominately black and three predominately Mexican-American.[20]

Though it had no long term impact on the racial composition of neighborhoods, and only temporary influence on the racial composition of schools, Los Angeles school authorities did make extensive use of the voluntary student transfer policy. If the number of transfer requests exceeded a school's capacity to accommodate the students, then teachers were also transferred. Assuming that space and staff were available, the Board of Education took the attitude that "everyone that wants to transfer should be accommodated."[21] The number of transfers permitted was based on space available, and was controlled by the district administration. In 1942 up to five students from the Jefferson area could transfer to Fremont. Ten students from Jordan could transfer to South Gate Senior High. All kinds of reasons accounted for the transfers, including a desire of whites to escape schools that were becoming overwhelmingly black. While blacks were also permitted to transfer, the unwritten policy of that era, and the years immediately following World War II, was to advise black students that they would be happier at certain schools.

While the Los Angeles school system was prepared to see white parents transfer their children out of schools with increasing black enrollments into predominately white schools with available space, there was a limit to their cooperativeness. The parameters of administrative cooperativeness continued to be determined by a larger concern for efficiency and economy. As a general rule, major boundary adjustments, optional territories, or transfer requests that would seriously compromise that principle, were turned aside.

Far more than Los Angeles, the Pasadena Board of Education was sensitive to white desires for maintaining segregated schools. In that highly stratified community, racial separation was accepted as part of the natural scheme of things. Although nothing came of it, as early as 1946 the Pasadena Council of Churches spoke out against the "undemocratic concentration of non-Caucasians in one of the city's junior high schools."[22] Seven years later a more formidable challenge was directed against the board by the local branch of the NAACP. Specifically attacked was Pasadena's policy of expanding the capacity of all-Negro elementary schools, while schools in white neighborhoods were operating at less than capacity, thereby encouraging a broad transfer policy and maintenance of neutral attendance zones giving students a choice of schools. Expectedly during the early fifties, these policies permitted white students to escape schools that had more than token black enrollments.

Concerned about the possibility of a lawsuit initiated by the NAACP, the board did seek an opinion concerning its legal vulnerability from the Los Angeles County Counsel. That opinion, written in June, 1954, found that the Pasadena board was legally vulnerable unless the city schools faithfully represented the racial makeup of their areas. Accepting that advice, Pasadena retreated from its building program at Arroyo Seco School and from allowing white children living in Garfield School's "neutral zone" to transfer to Arroyo Seco. Transfers for racial reasons and neutral zones were abandoned, and a strict neighborhood schools program implemented in its place.[23] Segregation would continue, but the board's contribution to it would not be as flagrant.

Even in communities where caste barriers were less rigid than in Pasadena, residential living patterns, combined with the neighborhood school concept, served effectively to produce segregated schools. The enlightened university community of Berkeley joined with most other city school systems in permitting white students a choice of several schools if they lived in a neighborhood that was partially non-white. Not a single school in that community enrolled as many as one-third Negro students in 1940, but two of the eighteen elementary schools did manage to share an estimated 259 of the 263 Negro students that were enrolled. Ten of the schools had no Negro students at all. By 1946 three Berkeley schools had enrollments in excess of one-third Negro, one as high as 81.1 percent, while nine still enrolled no Negroes whatever. Ten years later, 1955-56, four schools had black enrollments exceeding one-third of the total, while one school's enrollment was 96 percent black. Given a choice, there was never a question where white students would enroll. For example, students located between the Washington, Le Conte and Longfellow attendance areas could attend any one of three Berkeley schools. During 1945-46 the non-white percentages at the schools were as follows: Le Conte, 0.2; Washington, 0.6; Longfellow, 40.6.[24]

Clearly the actual problems of segregation were not being solved to any appreciable extent anywhere in California. At the same time, three-fifths the way through the twentieth century, the more blatant and overt forms of discrimination were finally drawing to an end.

CHAPTER IX

TRIUMPH AND TURMOIL

No time since statehood was as frought with triumph and turmoil as the 1960's. Ironically the sixties also constituted a period of paradox, since triumph did not always follow turmoil. In some cases the opposite was true, and even where triumph of racial justice was realized, it was rarely complete. True, most of the obvious forms of legally enforced discrimination had ended. Legal equality in employment, housing and educational opportunity were well on the road to being achieved. Real equality, i.e., equality of condition, could not be accomplished so easily. Indeed, with the notable exception of many Japanese-Americans, non-whites would experience a further deterioration of educational opportunities relative to conditions experienced by whites.

Over 100 years of discrimination and other conditions of fate had produced an accumulative social and economic disadvantage that could not be reversed easily. In spite of a grudging willingness by the white majority to acknowledge the justice of full legal equality, a willingness to accept the economic costs and psychological adjustment necessary for approaching an early equality of condition was yet to be seriously considered. Most symbolic of American society's ideological dilemma was its apparent acceptance of school integration as a concept of justice, all the while demonstrating an overwhelming rejection of busing to achieve that end.[1] As had been the experience throughout the previous 110 years, ideological commitments were subject to a host of emotional and economic constraints. In the case of school integration, the emotional and economic costs were sufficiently great to compromise a relatively weak ideological commitment virtually out of existence. Nevertheless, as the decade unfolded, it became increasingly apparent that poverty rather than direct racial discrimination in schooling would become the dominant problem for the future.

One of the more obvious impediments to solving the problem of school segregation in the 1960's was the sheer increase in the number and geographic isolation of non-whites. Even a fairly cynical observer could concede that the level of popular will present in the sixties would have been adequate to solve the more limited segregation problems of previous generations. By 1960 the non-white population of Los Angeles was approaching half a million (417,000), with another 136,000 in San Francisco, and 97,000 in Oakland. Los Angeles now ranked sixth among the nation's cities in non-white population; San Francisco, sixteenth; Oakland, twenty-second.[2] A more complete picture of the urban population growth experienced by non-whites in California is shown in Table 12.

Far more of a problem than population density was the matter of relative poverty. With few exceptions non-whites experienced lower incomes and greater unemployment than whites. This was especially true of Indians, Negroes and Mexican-Americans, but was not true in the case of unemployment among Chinese and Japanese.[3] No non-white group was immune from some effect of their minority status, but clearly the dimension of the problem was greater for some than for others. Those with the greatest collective disadvantage were Mexican-Americans, Negroes, and rural Indians. To be sure, the last vestiges of overt racism had not yet disappeared. Rarely could blacks move into a neighborhood inhabited

TABLE 12. 1960 AND 1970 CENSUS FOR SELECTED CITIES BY RACE

City by Year		White	Negro	Indian	Chinese	Japanese	Filipino	Other
Sacramento	1960	167,371	12,103	279	5,551	5,476	591	296
Sacramento	1970	207,338	27,244	1,227	8,125	7,032	1,396	2,051
San Francisco	1960	604,403	78,383	1,068	36,445	9,464	12,327	2,226
San Francisco	1970	511,186	96,078	2,900	58,696	11,705	24,694	10,415
Berkeley	1960	82,081	21,850	71	2,678	3,665	482	441
Berkeley	1970	79,041	27,421	327	4,035	3,417	1,126	1,349
Oakland	1960	270,523	83,618	1,166	7,658	2,206	1,812	565
Oakland	1970	213,512	124,710	2,890	11,335	2,405	3,633	3,076
San Jose	1960	197,403	1,955	356	585	2,946	745	212
San Jose	1970	417,346	10,955	1,941	2,595	6,992	2,583	3,367
Stockton	1960	72,648	7,312	88	2,291	1,523	2,364	95
Stockton	1970	85,598	11,824	448	3,050	1,509	3,899	1,316
Pasadena	1960	98,440	14,587	146	280	2,540	278	136
Pasadena	1970	90,446	18,256	281	796	2,038	474	1,036
Los Angeles	1960	2,061,808	334,916	3,822	15,443	51,468	7,681	3,877
Los Angeles	1970	2,816,061	503,606	9,172	27,345	54,878	19,392	28,068
Santa Ana	1960	97,669	1,759	142	54	438	158	130
Santa Ana	1970	145,701	6,731	782	220	918	402	1,847
Riverside	1960	79,836	3,938	242	36	208	26	46
Riverside	1970	130,357	7,222	657	278	625	120	830
San Diego	1960	528,512	34,435	1,083	1,290	2,535	3,615	1,754
San Diego	1970	619,498	52,961	2,259	2,619	3,881	9,074	6,477

SOURCES: U. S., Bureau of the Census. U. S. Census of the Population, 1960. General Population Characteristics, California. Final Report PC(1)-6B (Washington, D. C.: Government Printing Office, 1961), pp. 6-130, 6-136, 6-138 to 6-143. U. S. Census of the Population, 1970. General Population Characteristics, California. Final Report PC(1)-B6 (Washington, D. C.: Government Printing Office, 1971), pp. 6-103 to 6-105.

NOTE: The classification 'white' includes Mexican immigrants and their descendants. Only in the 1930 census were Mexicans classified separately from other whites.

mainly by whites without arousing concern and sometimes harrassment. Interracial marriages were hardly going unnoticed. On a less emotionally charged level, employment opportunities were still unequal, even though a wider range of occupations and professions were technically open to non-whites.

As for schooling, by the late 1960's and early 1970's considerable debate was blossoming over the issue of how much difference variation in school quality actually makes. Some commentators, most notably Christopher Jencks of Harvard, were advancing the notion that variation among schools accounted for only a modest amount of difference in student achievement. Rather, socio-economic differences among students' families were found to be the most potent factor.[4] Neither this view nor any other has been totally convincing. Rather it is likely that the net disadvantage experienced by many non-whites is the result of a diverse and long standing list of inequalities, including poorer schooling.

It is also conceivable that schools have the potential of making a greater difference for individuals whose economic and social advantages are sparse than they do for individuals whose condition in life assures them a wide variety of productive learning opportunities. In the case of city schooling, an historical irony of sorts is present. Even with all the obvious overt discrimination aimed at blacks in the era prior to the 1960's, blacks did settle almost exclusively in the large cities where the best and not yet so racially isolated schools were located. Even with a certain level of segregation present, it is reasonable to infer, at least in the pre World War II period, that blacks and whites attending school in Los Angeles were receiving a better formal education than children attending school in most rural and suburban communities. By the sixties, one would be hard pressed to make that claim; indeed by the end of that decade segregated inner city schools were becoming synonomous with the poorest example of American public education. Since the turn of the century the quality of education received by blacks had been inextricably linked with the quality of education present in cities. As that quality declined, so too did the relative quality of black education compared to white education. The school system which in the 1920's and 1930's was looked to as the shining light of the West--Los Angeles--was by the 1960's hardly being looked to in the same light. Ironically, real conditions of school life were worsening just as the legal status of non-whites was improving.

In response to a growing awareness of the educational disadvantages experienced by non-whites, numerous compensatory education programs were conceived and implemented. Following approval by Congress of the Elementary and Secondary Education Act of 1965, many of them were funded with Federal dollars. Although various forms of remedial and intercultural programs had been attempted well before 1965, the focus was now drawn more sharply on attempting to compensate for educational inadequacies rooted in racially isolated schools, poverty, language handicaps, and a host of psychological handicaps stemming from the accumulative effects of generation upon generation of discrimination.

Though generally well accepted by educators during the early part of the decade as an appropriate means of helping the educationally disadvantaged, the numerous compensatory education efforts had a negligible, or at best a minimal, effect. While they were expensive in dollars, they required no great emotional expenditure from white Americans. The Mc Cone Commission on the 1965 Los Angeles Riots in Watts, for one, followed this dominant course of thought in recommending "a new and costly approach to educating the Negro child" in order to compensate for his disadvantage. Preschool instruction, intensive instruction in small classes, remedial courses and other special treatment were seen as the solutions.[5] In a word, faith in schooling was remarkably high.

Desegregating schools also required great expense, much of it on the emotional level. Yet following the U. S. Supreme Court's leadership in the decision, Brown v. Board of Education (1954), American ideology seemed to be coming around to accepting the inherent injustice of segregated schools. Few communities, on the other hand, were willing to take either economically or emotionally expensive steps to end the practice, especially when such action would require a drastic modification in school attendance areas and compromise the neighborhood school tradition. For its part the Los Angeles Board of Education was willing to affirm the goal of school integration as early as 1963, again more explicitly in 1967, and even to encourage pupil transfers for the purpose of integration by means of a voluntary transfer policy.[6] By the same token, that board was also perfectly willing to preside over the uninterrupted growth of segregation, even appealing and resisting a superior court order to begin substantive desegregation. Although Los Angeles was unique because of its large size, the picture was much the same elsewhere. Where desegregation could be accomplished in a relatively painless manner, it was generally implemented. Otherwise it was resisted. Thus, while national ideology became more and more open to desegregation, the actual result in California was largely uninterrupted racial isolation.[7]

Though its affirmative impact was minimal in reversing segregation, the sixties witnessed approval by the California State Board of Education of a succession of policy statements favorable to desegregation. Even the appointment of politically conservative board members by Republican Governor Ronald Reagan after 1967 did not at first retard the march of pro-desegregation policies. Beginning in 1962 a series of concrete actions were taken to prevent further deliberate segregation, and also to alleviate existing segregation where this could be done with minimal stress. Though his own role was not significant, the contradictory statements of conservative State Superintendent of Public Instruction Max Rafferty (1963-1971) reflect the dilemma of many public officials. Publicly supporting the concept of "integration" was quite fashionable during the sixties. On the other hand, doing anything boldly concrete about ending segregation was considered taboo. Thus politically sensitive leaders such as Max Rafferty came out squarely for a strong, aggressive program to rid the schools of de facto segregation, but opposed the "busing" of students to achieve that end unless the strategy was supported by local school boards.[8]

During most of the decade the state board of education was under the control of ideological liberals appointed by Democratic Governor Edmund G. "Pat" Brown (1959-1967). Virtually all members of that board were firmly committed to desegregation. Their first major act to encourage the practice came in June, 1962 when they stated that "in all areas under our control or subject to our influence, the policy of elimination of existing segregation and curbing any tendency toward its growth must be given serious and thoughtful consideration by all persons involved at all levels."[9] On October 23, 1962 Section 2010 of the Administrative Code, Title 5, was approved. Therein school districts were admonished to "exert all effort to avoid and eliminate segregation of children on account of race or color."[10] By February, 1963, Section 2011 was added, requiring consideration of ethnic factors in establishing school attendance areas and school attendance practices. Additional teeth were added to that regulation in April when Section 135.3(e), Administrative Code, Title 5, was added. The latter regulation required that county committees on school district organization consider whether proposed boundaries for newly organized school districts would place obstacles in the way of achieving racial integration in the schools.

These steps, plus the setting up of the Commission on Equal Opportunities in Education, also accomplished in 1963, had the effect of eliminating the long standing practice of segregation through the location of new schools and the manipulation of school district boundaries. Most school districts had little difficulty complying with the spirit of desegregating schools so long as the price was no higher than this. Realizing that integrated housing would be required in order to achieve ultimate success in school integration, in 1964 the state board demonstrated moral leadership by opposing what was destined to become a temporarily successful initiative to repeal the state's legislatively approved fair housing law. Later that same year the board expanded the membership of the Commission on Equal Opportunities in Education from ten to fifteen members in order to improve the Commission's effectiveness at assisting and advising school districts on problems of ethnic distribution in school attendance areas.

Beginning in 1965 the state board expressed interest in becoming regularly informed of progress in desegregation. From the Commission on Equal Opportunities in Education it learned that more precise racial census data would be needed in order to determine if the board's desegregation policies were being achieved. This interest led by 1966 to the institution of a statewide racial and ethnic census. Beginning in June, 1966, where concentrations of minority disadvantaged pupils were found, local boards were required to remedy the negative effects of separation and isolation by planning and developing a compensatory education plan.

Following the landslide election of former movie and television personality Ronald Reagan as governor in November, 1966, the board began its transition into a more conservative body. First to leave on January 1, 1967 were the two most articulate liberals, Thomas Braden, publisher of the Oceanside Blade-Tribune, and Los Angeles Attorney William Norris. Yet, with members holding overlapping four year terms, the complexion of the board could not be changed immediately.

In April, 1967, the body approved without dissent a letter addressed to all district and county superintendents reminding them, among other things, that "state policies explicitly state that school districts have a legal obligation to make reasonable affirmative steps to prevent the segregation of students in schools by race, regardless of the cause of segregation, and to consider the composition of a school in determining its attendance boundaries."[11] Happily for the cause of integration, the loss of Braden and Norris did not produce any immediate compromise in the board's posture toward desegregation. Indeed, the strongest resolution yet offered by the Commission on Equal Opportunity in Education was presented to the board by Deputy Superintendent Wilson Riles in April, 1967; approval being moved by one of Governor Reagan's first appointees, W. Howard Day of Long Beach. Because the Commission was receiving hardly any requests for assistance in helping school districts alleviate segregation, this more direct approach was taken. Utilizing the new ethnic surveys to detect racial imbalances, districts now were to be notified of such imbalances and ordered to "prepare plans to eliminate such imbalance."

In light of that development and future events, it is likely that political ideology was not primarily responsible for the board's posture on school segregation questions. The continuing bleak news of increase in segregation, which was being documented by the racial census program, led the Reagan appointed board to respond much as the Brown appointed board had done. In any case, by January, 1968, six of the ten members had been appointed by Reagan. In September of that year the board approved the strongest set of recommendations yet presented to it by the Commission on Equal Opportunities in Education. Included was a recommendation that the board consider strengthening sections 2010 and 2011 of the Administrative Code, Title 5. Although the board had, as early as June 1962, committed itself to pushing "equality of educational opportunity" with "the full thrust of our legal authority and moral leadership," the push was clearly inadequate to the task.

By September 1968 the board was ready to stipulate that when the Department of Education found racial or ethnic imbalance in a school district, that district would be advised that it was under legal and moral obligation to develop a plan for eliminating the imbalance.[12] Five months later, and after considerable debate, the board adopted by a nine to nothing vote one of the most precise definitions of racial imbalance in the nation, one that was soon destined to have an effect on the American Civil Liberties Union's segregation suit against the Los Angeles Board of Education. The new policy defined a school as racially imbalanced when its minority student enrollment differed by more than 15 percent from the percentage of minority children in that school system as a whole.[13]

Of all the resolutions and regulations, only the last produced substantial negative reaction from the public. Suddenly there was a concrete definition of segregation, not in terms of overt policy acts discriminatory against non-whites, such as boundary manipulation, transfer policies, location of schools, but a definition resting solely on population concentrations, regardless of who or what was responsible for that concentration. Correction of this problem was seen by the public as "busing," and was destined to become one of the most emotionally charged peace time issues of the century in California and the nation.

The moment of truth was rapidly approaching. By the end of the decade, all manner of affirmative guidelines suggesting an end to segregation had been approved by the State Board of Education, seemingly with public acceptance. But policy positions or court orders that required actual changes were another matter, and generally were resisted with fervor. Desegregation did not always require transporting children to distant parts of town, but that is the inference that was generally made by the public. A willingness to accept "busing" was a key test of the public's commitment to desegregation, and one that clearly was rejected.

Similar to former decades when segregation was sometimes resisted primarily because of its high cost, so now desegregation would be resisted because its cost was seen as too great, both in financial and emotional terms.

Though the storm signals of busing backlash were already showing up in the rhetoric of politicians and in public opinion polls, the courts, as the arm of government most insulated from the daily machinations of the political process, continued to press forward with desegregation orders. Early court imposed proclamations concerning the illegality of effecting and preserving segregation through gerrymandering boundary lines and similar discriminatory actions were being achieved with little protest. The California Supreme Court's decision in Jackson v. Pasadena City School District, June 27, 1963, was of major significance in reinforcing the State Board of Education in its effort to compel compliance with the ideal of desegregation.[14] Yet even in this decision the Court assumed that overt gerrymandering of school attendance areas for the purpose of maintaining segregation, as had been the case in Pasadena, would provide a stronger case against segregation than mere evidence of racial imbalance.

Although an end to segregation was being encouraged where reasonably feasible, still begging was the question of what affirmative steps the courts would insist on in order to achieve a decisive reversal of segregation. What eventually evolved in the decade that followed was recognition by the courts that racial imbalance in itself constitutes gerrymandering when a school board has alternatives available that would significantly improve racial balance. The simplest and fastest method of forcing compliance was to transport students from racially homogeneous neighborhoods to racially heterogeneous schools, i.e., "busing." Not until the early seventies would courts in California insist that the constitutional rights of children were necessarily violated by racial imbalance attributable to school attendance boundaries established by local school systems. Whether or not intent to segregate was an issue, the fact of segregation was enough for some courts to force compliance with the equality doctrine set down in the historic case of Brown v. Board of Education in places where local boards had power to correct the problem.

Two major court tests of desegregation policy were decided in 1970. In Pasadena, following a long history of segregation, a combination of moral persuasion, legal authority, and change in board and administrative leadership produced a commitment to desegregation. The conclusions of law in the case were simple, but powerful nevertheless. Judge Real interpreted the 1954 Brown decision of the Supreme Court as holding simply that segregation was inherently unequal and thus illegal. Secondly, he found that Pasadena's strict neighborhood school policy and a policy against cross-town busing was in violation of the Fourteenth Amendment to the Constitution.[15] Unlike a similar contemporary case in Los Angeles, a majority of the Pasadena board voted not to appeal the court's decision. Given the community's extremely strong feelings, it came as no surprise that the board majority soon faced a recall election. Happily for the three board members the recall attempt was unsuccessful, albeit by a small margin in each case.

In Los Angeles, Superior Court Judge Alfred Gitelson ordered school officials there to devise a district-wide plan for integration, including a policy of requiring each school to enroll not more than 50 nor fewer than 10 percent minority pupils.[16] With outspoken support from Governor

Reagan, the Los Angeles board avoided taking corrective action, deciding instead to appeal the decision. With public opinion heavily stacked against the decision, the court itself was placed on the defensive and Judge Gitelson was defeated for re-election. Although busing was not specifically ordered by the judge, the Los Angeles board, Governor Reagan, and the public at large, inferred that massive, expensive, and long distance busing would be required in order to satisfy the court order. Clearly this was a step the public and its leaders were unwilling to consider.

A little over a year later, this time in United States District Court, Judge Stanley Weigel ordered the complete desegregation of San Francisco schools.[17] His decision, and other contemporary decisions outside of California, served to narrow the difference between so called _de jure_ segregation, once defined narrowly to identify the separate school systems of the South, and _de facto_ segregation, also defined narrowly at first to include all other forms of segregation, even if not required by acts of law. The San Francisco decision held that any action--or inaction--of a school board which served to initiate or continue segregation was illegal. Since local school authorities have the power of assigning pupils to schools, the court reasoned that policies which perpetuate racial isolation constitute _de jure_ segregation. Tradition and overwhelming sentiment to the contrary, nothing in the law suggested that a pupil was entitled to attend the school closest to his home. In marked contrast to Los Angeles, the San Francisco board and superintendent had been preparing for desegregation for several years, concurred with the decision, and were prepared to cooperate fully. In other cities of the state results were mixed.

San Diego officials studied the problem of segregation, heard numerous recommendations for ending it, but took no substantial action.[18] Sacramento, on the other hand, while failing to achieve full desegregation, did, as early as 1966, act to reduce segregation in five elementary schools by permanently assigning nearly 1,100 pupils from those schools to nineteen receiving schools. Two years later the program was expanded by including 200 pupils from a sixth de facto segregated school.[19]

Of all the California cities, only Oakland was essentially helpless to correct its problem of de facto segregation. World War II, and the post war trek westward by Negroes, had changed the racial composition of that city more substantially than any other in California. While only 8,642 blacks resided in Oakland in 1948, 83,618 resided there in 1960. Between 1950 and 1960, 53,000 whites left and 36,000 blacks moved into Oakland. By 1970, the racial composition of Oakland had changed so substantially that desegregation according to state standards was hardly possible. Even with a rapidly growing number of Negro newcomers, in 1965 there were still twenty elementary schools in Oakland with 20 percent or fewer Negro students, including eighteen with fewer than 10 percent, and three schools with none at all. At the same time, the city had fourteen elementary schools with Negro enrollments between 91 and 99 percent, and another ten ranging between 50 and 78 percent.[20] Like officials in Los Angeles, who argued against the feasibility of desegregation by pointing to the geographic division between the largely white San Fernando Valley and the more heavily non-white part of the city west of the Hollywood Hills, Oakland officials pointed to the distance which separated affluent white hill dwellers from the black inhabitants of the low lands. The fear of driving whites out of the city at an even faster rate than they had been leaving anyway, together with the low feasibility argument, stood as obstacles blocking desegregation. As in Los Angeles, the challenge was simply too great for the will and resources of local officials.

Given a weak public commitment to desegregation, and a continuing influx of non-whites into the large cities, no substantial improvement was apparent in the racial balance picture. Since the state ethnic survey was begun in 1966, the white majority of pupil enrollment declined from 75.1 percent in 1966-67, to 71.9 percent in 1970-71. The Spanish surname proportion had increased in the same period from 13.5 percent to 15.6 percent, and the Negro proportion from 8.2 percent to 9.1 percent. By 1970, more than four-fifths of the Negro total were in the fifty-three largest districts, of which twenty-two districts had almost 99 percent of the Negro pupils.[21] According to California's own official definition of imbalance, that is where the percentage of non-whites in a given school deviated by more than 15 percent from the district average for non-whites, there were 1,763 imbalanced schools within 207 school districts during 1970. The previous year there had been 1,810 imbalanced schools in 205 districts. This small improvement was more than offset by the intensity of segregation found in 1,105 schools in which minority pupils comprised 50 percent or more of the total enrollment. The previous year had witnessed only 1,021 schools with that high a proportion of non-white enrollment.

As the eighth decade of the century began, more than 150,000 Negroes, 37 percent of the state-wide total, were attending schools that were 90 percent or more Negro. Actual and claimed social progress notwithstanding, it is probable that one would have to go back to the late 1870's to find that high a percentage of Negro pupils in California attending racially isolated schools. According to the state's ethnic survey of school districts for 1970-71, nearly 59 percent of all Negro pupils attended predominantly Negro schools, and nearly 29 percent of Spanish surname pupils attended predominantly Spanish surname schools. The percentage of Negro pupils enrolled in schools 99 to 100 percent non-white was cut almost in half nationally, declining from 53 to 28 percent, while in California the number increased from 107,847 to 133,105, and included nearly one-third of all Negro pupils in the state.[22]

Necessarily, in order for segregation to continue in the face of moral persuasion and legal direction favoring desegregation, there would have to be a basic lack of commitment to change on the part of policy planners and the public that supported them. Practical constraints, including inadequate financial resources and distance, were the chief obstacles pointed to by school leaders who claimed a desire to desegregate their schools. Consequently, even in California's largest segregated system, Los Angeles, officials were willing to approve a modest voluntary transportation program to encourage desegregation, all the while resisting any major desegregation effort as unworkable, too costly, and generally not the best educational use that could be made of the scarce resources.

There were some bright spots. Right conditions, including effective local leadership, state pressure, and encouragement from local non-whites, combined on occasion to produce results even without a court test. For example, several medium size districts in northern Orange County, namely Fullerton, Placentia and La Habra, moved effectively to end segregation of

Mexican students. Other communities with relatively small predominately non-white schools, e.g., Hanford, Merced, Monrovia, San Mateo, and Sausalito were able to achieve desegregation. While requiring courage and leadership from local school officials, these and other smaller communities were able to show results with minimal dislocation, and often with increased efficiency, through the closure of marginal segregated facilities. Such was also the case in one larger district in southern California.

With due deference to the State Board of Education's encouragement to end segregation beginning in 1962, almost no affirmative steps were taken in that regard until the mid 1960's. The first major break came in the fall, 1965,when the Riverside Unified School District, acting in response to moral indignation expressed by local blacks and the loss of one school through an arson caused fire, adopted a full scale racial balance plan for the district's twenty-five elementary schools.[23] It was the first such plan in the nation for a district of as large a size, and a tribute to local black citizens who were disenchanted with weak attempts at dealing with inequality through a voluntary transfer plan and a compensatory education program. Though initiative rested with black parents who provided the stimulus for action, the local board and administration are deserving of credit for their decisiveness and responsiveness. The integration plan itself, partially implemented in the fall, 1965, and fully implemented by the fall, 1967, called for closing all three elementary schools which were enrolling nearly 100 percent non-white students, and transporting students from these schools to the other elementary schools.

Though it was the first, the Riverside plan of busing only Negro and Mexican-American children was less bold than the busing plan adopted in Berkeley which included transporting white children as well.[24] Beginning in 1964, Berkeley officials demonstrated leadership by desegregating the city's three junior high schools, albeit with less community support than they would have in their bolder system-wide action of 1968. The significance of the action in Berkeley becomes apparent as one realizes that the non-white percentage there was nearly 50 percent, as compared to Riverside, for example, where it was 18 percent. Opposition from the Berkeley Gazette notwithstanding, for the most part white parents willingly sent their children to schools in predominately black neighborhoods, and black parents reciprocated by sending their children into white neighborhoods. Though court ordered desegregation has produced similar plans in larger cities, including neighboring San Francisco, the Berkeley example still stands as something of a light, especially to national critics of busing who have accused affluent white liberals of duplicity in advocating the integration of poor whites and poor blacks, but avoiding it for their own children.

Although it is fair to suggest that the key characteristic differentiating the education of whites from that of non-whites between 1850 and 1970 was a history of discrimination against the latter, there were also substantial differences between the educational opportunities experienced by the various non-white groups. Indians, Negroes, Asians and Mexican-Americans had been victims in common of much discriminatory legislation, including exclusion and segregation, during the early part of the state's history. By the 1960's, differences in aspirations and conditions became as apparent as the common thread of discrimination.

A century of history had produced considerable variance even in the conditions experienced by members of the same ethnic group. The Indian experience provides a fascinating study of contrasts. Rural Indians were still living with extreme economic and educational disadvantages similar to those of Mexican migrant farm workers, but in the large cities Indians were finding substantially fair treatment. Urban Los Angeles County enrolled twice as many Indians as rural Humboldt County, but Humboldt County schools still enrolled more Indians than any urban county other than Los Angeles, including twice as many as Alameda County in the Bay Area. Of the several Bureau of Indian Affairs programs leading to termination of Federal responsibility for Indian welfare during the 1950's, the plan for relocating Indians in cities resulted in Los Angeles emerging as one of the most popular locations in the nation. By 1968, Los Angeles ranked fifth among U. S. cities in Indian public school enrollment, behind only Tulsa, Albuquerque, New York and Minneapolis. Even at that, the number was only 1,204, or .2 of 1 percent of the total school population. Given their small numbers and dispersal throughout the population, for the most part urban Indians were spared the plight of segregated schools.[25]

Both rural and urban Indians in California were somewhat better off than the Indian population at large. In 1960 the median amount of schooling completed by California Indians was 9.7 years, one to two years less than for the California population at large, and about a year less than the median for all non-whites. For Indians in metropolitan areas the gap tended to be slightly narrower than in the overall picture.[26] The relatively higher proportion of California Indians attending public schools, particularly urban public schools, may help explain the relatively higher educational level of California Indians. So might their recently found urban way of life.

It is likely that the early effort to include Indians within the public school system of California improved the quantity and quality of their instruction, and perhaps even their lives. The negative result was that it also helped encourage the eventual movement toward termination of Federal responsibility, and made it more difficult for needy Indians, particularly those living in rural areas, to benefit from Federal programs. Being a nonreservation state, it was relatively easy for the Federal Government to neglect California Indians. Nevertheless, all things considered, it would appear that the fortunes of Indians in 1970 had improved more relative to previous generations than was evident with most other non-whites, with the likely exception of Japanese-Americans.

Where rural populations were concerned the situation was still uniformly bleak. Simply delivering education worthy of the name to children of migrant farm families was still almost as great a problem in the 1960's as it had been in the 1920's. On the other hand, resources for the attempt were greatly improved. Among the areas touched by the Federal Elementary and Secondary Education Act of 1965 was special legislation passed during the following year which provided for migrant education. According to the state's figures, something on the order of 32,800 migratory school age children out of an estimated 80,000 were being reached by the program.[27] During the 1920's such efforts as were made on behalf of migrants were largely dependent on the ability of state officials to enforce the compulsory attendance law. Forty years later that economic stimulus was augmented to assist school districts with special compensatory, training and health programs. School districts that succeeded in maintaining the attendance level of migrant children comparable to that of resident children were given special economic assistance. Whenever possible,cooperating schools were expected to guarantee the integration of migrant children into regular classrooms of the district, as well as into the recreational and cultural activities of the communities.

Just as government programs were symbolic of the white effort to reverse the effects of poverty, segregation and a general history of disadvantage, self-determination was becoming an increasingly popular cause among the several racial and ethnic minorities. Rarely, for example, did articulate Mexican-Americans speak out loudly for integration, even though many from that ethnic group doubtlessly were quietly becoming assimilated into the dominant culture. Bi-lingual and bi-cultural education were becoming their cause. Indeed, concerns with group identity, cultural awareness and community power were common to the leadership of all non-white groups. By 1970, the product of this effort was being demonstrated through new multi-cultural curriculum units and substantial changes in text materials.

Of the several developments coming out of a renewed concern for group identity, one was especially controversial and potentially counter-productive. Especially in the black community the prospect of achieving community control over neighborhood schools led to calls for decentralizing the Los Angeles City Schools. It also produced a unique alliance between black and white liberals on one hand, and conservative whites on the other. In 1969 and again in 1970 bills actually were introduced in the legislature to break up the Los Angeles School District. Moreover, one of the bills, S.B. 242, was passed and fell short only of the Governor's approval.[28] Disillusionment among some blacks and liberal whites concerning the deteriorating quality of Los Angeles schools, the distant bureaucratic structure inherent in the system, and the seemingly hopeless chance of realizing integrated schools, likely contributed the principal negative incentives for non-whites to support decentralization. To be sure,the proposed legislation did have some appealing qualities, including the hope for expediting policy changes attractive to the community, improved community representation in the decision making process and improved accountability on the effectiveness of programs. For better or worse, Governor Reagan was convinced by Los Angeles school officials that decentralization would be unnecessary, disruptive, and uneconomical. Some local disappointment notwithstanding, neither blacks nor other non-whites were particularly sorrowful about the state's failure to decentralize Los Angeles schools. Some who remained faithful to the goal of integration were even pleased, realizing as they did that decentralization would dash any hope for integration with greater finality than even a recalcitrant Los Angeles Board of Education.

Additional opportunities for non-whites to participate politically in the educational decision making process of school districts might have been enhanced slightly under decentralization, but it is doubtful that any substantial change would have been evidenced in the actual education received by city children. Decentralization, after all, could not touch the principal problems facing city schools, i.e., segregation, economic poverty in the families of school children, and scarcity of funding for programs. Although it did not appear that non-whites were likely to take control of schools in their communities, they were beginning to score increasingly impressive achievements in the larger political arena. The election of non-whites, especially blacks, to city councils and the state legislature was becoming less of a rarity as the decade of the sixties ended.

In education, non-whites who were able to overcome economic and social obstacles which continued to hamper their path to a college education were finding far less resistance in securing teaching and administrative positions. Since 1959 the legal mandate had been set for enforcing statewide hiring practices based solely on merit. Symbolic of achievement in this area was the election in 1970 of Wilson C. Riles as State Superintendent of Public Instruction. As the state's first black to be elected to a constitutional office in California, Riles had served the State Department of Education in a variety of posts since 1958. As Consultant, then Chief, of the Department's Bureau of Intergroup Relations, and later Director of Compensatory Education, Riles's voice and administrative skill had been utilized in the cause of California education for the entire decade.

On balance, one can assert with conviction that the passing of 120 years has witnessed a clearly identifiable improvement in the legal and social rights accorded to non-white students in California. Equally as clear has been the apparent failure of public education to solve some of the herculean problems which its more avid boosters suggested might be achieved. Equality of opportunity in education was finally being realized, but only in the narrow sense that non-white racial identity was no longer a serious disadvantage for middle income families. The overwhelming problems of poverty and school segregation, which especially afflicted non-whites, were not being overcome in most large cities where they were most severe. Indeed, they were not even being attacked. Even with the illegality of segregation proclaimed in law, the ultimate historical irony in the entire 120 year experience is that the net disadvantage being created by segregation and poverty was never more severe. As in earlier decades, the pragmatic considerations of economic and emotional costs were still the principal modifiers of policy. In the 1860's those factors made the sting of the prevailing segregationist ideology less severe than it might have been. In the 1960's, they were compromising the prevailing equality of opportunity ideology into an almost hollow echo. Although the ideological commitment to equality of opportunity and fair play underlying the American Creed was still holding up, social and economic forces were proving to be potent modifiers of that commitment, even as the more blatant forms of racism were fading from the American scene.

FOOTNOTES

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Introduction

1. Gunnar Myrdal, *An American Dilemma* (New York: Harper and Row, 1962).

Chapter I, A New National Affiliation and New Prejudices

1. William W. Ferrier, *Ninety Years of Education in California, 1846-1936* (Berkeley: Sather Gate Book Shop, 1937), p. 27.

2. San Francisco *Californian*, March 15, 1848.

3. Hubert M. Bancroft, *Works*, Vol. 23: *History of California*, Vol. VI, 1848-1859 (San Francisco: The History Company, 1888), p. 288.

4. Calif. Const. art. 2, sec. 1 (1849).

5. Eugene H. Berwanger, *The Frontier Against Slavery: Western Anti-Negro Prejudice and the Slavery Extension Controversy* (Urbana: University of Illinois Press, 1967), p. 69.

6. California, Legislature, *Journal of the Second Session of the Assembly of the State of California, 1851* (Sacramento: State Printer, 1851).

7. Calif., *Assembly Journal, 8th Session, 1857*, April 10, 1857 and April 23, 1857.

8. Assembly Bill 411 was more liberal than the 1851 legislation in that it excluded from its provisions sailors, those already residents, those owning real estate, minors under twenty-one years, aged persons over sixty, and married females at the time of passage. The almost successful exclusion bill of 1858 was Assembly Bill 395. California, Legislature. *Journal of the Ninth Session of the Senate of the State of California, 1858* (Sacramento: State Printer, 1858).

9. An excellent and well documented description of the treatment Indians received in California is found in Robert F. Heizer and Alan F. Almquist, *The Other Californians* (Berkeley: University of California Press, 1971).

10. Literature on the nation's racial attitudes is expansive. Some worthy recent studies not previously cited, including those with an emphasis on the West are: Winthrop D. Jordan, *The Negro vs. Equality, 1762-1826* (Chicago: Rand McNally, 1969) and *White Over Black: American Attitudes Toward the Negro, 1550-1812* (Chapel Hill: University of North Carolina Press, 1968); Gilbert Osofsky, *The Burden*

of Race: A Documentary History of Negro-White Relations in America (New York: Harper and Row, 1967); V. Jacque Voegeli, Free But Not Equal: The Midwest and the Negro During the Civil War (Chicago: University of Chicago Press, 1967); Stuart C. Miller, The Unwelcome Immigrant: The American Image of the Chinese, 1785-1882 (Berkeley: University of California Press, 1969); Roger Daniels, The Politics of Prejudice (Gloucester, Massachusetts: Peter Smith, 1966).

11. Prominent documentary evidence of this point is included in Jordan, The Negro vs. Equality, pp. 1-14.

12. Bancroft, Works, Vol. 23, p. 431.

13. J. D. Borthwick, Three Years in California (Edinburgh: W. Blackwell and Sons, 1857), pp. 164-65.

14. Bancroft, Works, Vol. 23, pp. 404-406. In 1853 the tax was raised to four dollars a year where it remained with only modest changes.

15. U. S., Census Office, Statistical View of the United States: A Compedium of the Seventh Census, by J. D. B. DeBow (Washington, D.C.: Public Printer, 1854), p. 83. The actual number counted in the census was 962.

16. Rudolph M. Lapp, "The Negro in Gold Rush California," The Journal of Negro History, XLIX (April, 1964), 83.

17. Rudolph M. Lapp, "Negro Rights Activities in Gold Rush California," California Historical Society Quarterly, XLV (March, 1966), 13.

18. Proceedings of the First State Convention of the Colored Citizens of the State of California held at Sacramento Nov. 20th, 21st, and 22nd, in the Colored Methodist Church (Sacramento: Democratic State Journal Print., 1855), p. 18.

19. Lapp, "Negro in Gold Rush California," pp. 85-86.

20. The four conventions were held in 1855, 1856, 1857, and 1865.

21. Delilah L. Beasley, The Negro Trail Blazers of California (Los Angeles, 1919), p. 56.

22. Berwanger, Frontier Against Slavery, p. 73.

23. Bancroft, Works, Vol. 23, p. 185.

24. Berwanger, Frontier Against Slavery, p. 74.

25. *The Alta* (San Francisco), May 12, 1852, as quoted in William B. Spring, "The Influence of Interest Groups on Educational Legislation in California" (Ed. D. dissertation, Stanford University, 1963), p. 121.

26. Editorial from the *Herald* (San Francisco), December 29, 1851 as quoted in Sister Mary Colette Standart, O.P., "The Early Development of Social and Economic Nativism in San Francisco and the Mining Regions of California, 1846-1856" (Master's thesis, Catholic University of America, 1947), p. 14.

27. Editorials from *The Alta* (San Francisco), January 13, June 14, December 24, 1853 cited in Berwanger, *Frontier Against Slavery*, pp. 73-74.

28. Calif., *Senate Journal, 5th Session, 1854*, May 13, 1854.

29. People v. Hall, 4 California 399 (1854).

30. Calif. Const. art. 4, sec. 3 (1849).

31. California, Department of Public Instruction, *Second Annual Report of the Superintendent of Public Instruction to the Legislature of the State of California*, 1853, in California, Legislature, *Appendix to the Journal of the Senate of the State of California*, 4th Session, 1853 (Sacramento: State Printer, 1853).

32. *Annual Report of the State Superintendent*, 1858, in *Appendix to Senate Journal*, 9th Session, 1858.

33. San Francisco, Board of Education, *Annual Report of the Superintendent of Public Schools of the City and County of San Francisco for the Year Ending June 30, 1854* (San Francisco, 1854).

34. Bancroft, *Works*, Vol. 23, p. 321.

35. Calif., *Assembly Journal, 6th Session, 1855*, pp. 97-98.

36. *Annual Report of the State Superintendent*, 1858, pp. 14-15.

37. Calif. Statutes 1860, c. 329, sec. 8.

38. *Convention of Colored Citizens, 1855*, p. 7.

39. *Proceedings of the Second Annual Convention of the Colored Citizens of the State of California held in the City of Sacramento, Dec. 9th, 10th, 11th, and 12th.* (San Francisco: Udell and Randall, 1856), p. 71.

40. *Ibid.*, p. 41.

41. San Francisco, *Annual Report, 1854*.

42. Three sources cover the founding of Sacramento's Black school in about the same detail: Beasley, *Negro Trailblazers*, p. 173; Sue Baily Thurman, *Pioneers of Negro Origin in California* (San Francisco: Acme Publishing Company, 1952), pp. 38-40; Winfield J. Davis, *History and Progress of the Public School Department of the City of Sacramento, 1849-1893* (Sacramento: D. Johnson and Company, 1895), pp. 25-26, 42, 44, 57.

43. Davis, *History and Progress of the Public School Department of the City of Sacramento*, p. 57.

44. Rudolph M. Lapp, "Jeremiah B. Sanderson: Early California Negro Leader," *Journal of Negro History* LIII (October, 1968), 321-333; Thurman, *Pioneers of Negro Origin in California*, pp. 37-40.

45. Thurman, *Pioneers of Negro Origin in California*, p. 40.

46. San Francisco, *Annual Report, 1860*. In 1859 only sixty-five Chinese under eighteen were counted as residents of San Francisco. In addition to the abortive public endeavor, the Presbyterian Board of Foreign Missions established a mission to the Chinese in California which helped with literacy training. Mary Roberts Coolidge estimated that over half of the Chinese school population attended private schools supported by their parents. Mary R. Coolidge, *Chinese Immigration* (New York, 1909), p. 70.

47. David F. Ferris, *Judge Marvin and the Founding of the California Public School System*, University of California Publications in Education, vol. 14 (Berkeley: University of California Press, 1962), pp. 53-61.

48. Jessie R. Hollembeak, *A History of the Public Schools of Stockton, California* (Stockton, 1909), pp. 32-33.

Chapter II, Establishing Separate Educational Facilities for Non-Whites, the 1860's and 1870's

1. Governor Stanford polled roughly three votes out of every eight recorded in the election, approximately 56,000 out of a total of 120,000.

2. The best recent work advancing this interpretation is Eric Foner, *Free Soil, Free Labor, and Free Men: The Ideology of the Republican Party Before the Civil War* (New York: Oxford University Press, 1970).

3. Berwanger, *The Frontier Against Slavery*; Voegeli, *Free But Not Equal*; Gerald Stanley, "Racism and the Early Republican Party: The 1856 Presidential Election in California," *Pacific Historical Review*, XLIII (May, 1974), 171-187.

4. Winfield J. Davis, *History of Political Conventions in California, 1849-1892* (Sacramento: California State Library, 1893), p. 224.

5. F. W. Craig, "Have Negroes Been Taught and Classed on Terms of Equality in the Public School under the Charge of Mr. John Swett," unnamed newspaper, August, 1862, article no. 45, bound in Hayes Scrapbooks, vol. 22, California Politics vol. 6 (1861-1864) Bancroft Library; John Swett, *Public Education in California* (New York: American Book Company, 1911), p. 145.

6. Swett, *Public Education in California*, p. 145. The election results found Swett with 51,238 votes, Jonathan D. Stevenson (Douglas Democrat) 21,215 votes, and the Reverend O. P. Fitzgerald (Lecompton Democrat) 15,514 votes.

7. James A. Fisher, "The California Negro, 1860: An Analysis of State Census Returns," San Francisco Negro Historical and Cultural Society, *California History Series*, Monograph No. 4 (San Francisco: December, 1965), pp. 1-4.

8. James A. Fisher, "A History of the Political and Social Development of the Black Community in California, 1850-1950" (Ph.D. dissertation, State University of New York at Stony Brook, 1971), pp. 60-65.

9. James A. Fisher, "The Political Development of the Black Community in California, 1850-1950," *California Historical Quarterly* L (September, 1971), 259.

10. *Proceedings of the California State Convention of Colored Citizens held in Sacramento on the 25th, 26th, 27th, and 28th of October, 1865* (San Francisco: Office of "The Elevator," 1865), pp. 78-81, 95, 99, 100.

11. Beasley, *Negro Trailblazers*, pp. 175-76.

12. California, Department of Public Instruction, *First Biennial Report of the Superintendent of Public Instruction for the School Years 1864 and 1865*, p. 57 in California, Legislature, *Appendix to Journals of Senate and Assembly*, 16th Session, 1866 (Sacramento: State Printer, 1866).

13. Calif. Statutes 1863, c. 159, sec. 68.

14. Calif. Statutes 1864, c. 209, sec. 68.

15. California, Department of Public Instruction, *The California Teacher* 2 (September, 1864), 84-85.

16. Second Biennial Report of the Superintendent of Public Instruction, 1866 and 1867, p. 5, in Appendix, 17th Session, 1868.

17. Calif. Statutes 1866, c. 342, sec. 56.

18. Swett, Public Education in California, pp. 175-76.

19. Second Biennial Report, pp. 5-6.

20. All figures have been taken from the Biennial Reports of the Superintendent of Public Instruction for the years cited.

21. San Francisco, Annual Report, 1863, p. 47.

22. San Francisco, Annual Report, 1864, p. 31.

23. The percentage of black attendance at the segregated school for the year ending August 31, 1864 was .892 compared to a city average for all schools of .925. The percentage was calculated by school officials as the proportion of "Average daily attendance to average number belonging."

24. San Francisco, Annual Report, 1864, p. 31.

25. California Teacher 4 (October, 1865), 108.

26. San Francisco, Annual Report, 1867, p. 31.

27. San Francisco, Annual Report, 1870, p. 53.

28. The Boys and Girls high school had higher tuitions (cost borne by the Board of Education). In some years tuition at the Chinese School also was more. San Francisco, Annual Report, 1870, pp. 5-10, "Statement of the Condition and Wants of the Public School Department of San Francisco" by a Committee of the Board of Education.

29. San Francisco, Annual Report, 1867, pp. 69-78.

30. San Francisco, Annual Report, 1874, pp. 55-56.

31. San Francisco, Annual Report, 1875, p. 58.

32. Davis, Sacramento, p. 63.

33. Ibid., p. 64.

34. California Teacher 4 (February, 1867), 235; Davis, Sacramento, pp. 71 and 78; Second Biennial Report, p. 225.

35. Davis, Sacramento, pp. 87-90, 93.

36. Sixth Biennial Report of the Superintendent of Public Instruction, 1874 and 1875, p. 271, in Appendix, 21st Session, 1875.

37. Ibid., pp. 266-67.

38. Hollembeak, Public Schools of Stockton, pp. 94-96.

39. California Teacher 2 (May, 1865) in Roy W. Cloud, Education in California (Stanford University Press, 1947), p. 45.

40. Sixth Biennial Report, p. 265.

41. Davis, Political Conventions, p. 309.

42. Calif., Senate Journal, 19th Session, 1871-72, p. 114.

43. Booth was elected by a slim majority of four thousand votes; it being conceivable that as many as 1,700 of his votes were forthcoming from blacks. Fisher dissertation, p. 117.

44. Charles Wollenberg, "Ward v. Flood: The Struggle for Equal Education in Early California" (Unpublished manuscript, 1974), pp. 9 and 12; "Oakland Public School Matters," Pacific Appeal (San Francisco), October 7, 1871, p. 2.

45. Wollenberg, "Ward v. Flood," pp. 12-15.

46. Ward v. Flood, 48 California 36 (1874).

47. The precedent cited by the Supreme Court in support of its decision was Roberts v. The City of Boston, 5 Cush. 198, 206 (1849).

48. Of no direct relevance in the decision of Ward v. Flood, but of possible interest to citizens a century later is Principal Flood's testimony that San Francisco's board policy called for white pupils to attend the public school nearest their residence. Blacks, on the other hand were required to be assigned to specific schools outside their neighborhood in the interest of segregation.

49. Calif. Statutes 1874, c. 543, sec. 1669.

50. Calif., Senate Journal, 13th Session, 1862, pp. 99.

51. A. W. Loomis, "Chinese Schools," The California Teacher 6 (May 6, 1869), p. 10.

52. Miller, The Unwelcome Immigrant, p. 795.

53. San Francisco, Annual Report, 1863, p. 48.

54. San Francisco, Annual Report, 1867, p. 55.

55. The expense of operating the Chinese School in 1870 was calculated at $3.20 per pupil per month, one of the highest per pupil costs in the city, but only a token of the amount brought in from taxes paid by the Chinese. San Francisco, *Annual Report*, *1869-70*, Appendix, p. xxi.

56. *California Teacher* 4 (February, 1867), 227.

57. Davis, *Sacramento*, p. 72; *California Teacher* 4 (February, 1867), 227.

Chapter III, *Asian Exclusion and Segregation at the Turn of the Century*

1. *U. S.*, *Census Office*, *Statistics of the Population of the United States at the Tenth Census* (*June 1, 1880*), vol. I: *Population* Washington, D. C.: Government Printing Office, 1883), p. 467.

2. Hubert H. Bancroft, *Works*, Vol. 24: *History of California*, Vol. VII, 1860-1890 (San Francisco: The History Company, 1888), pp. 342-343.

3. Stuart C. Miller, *The Unwelcome Immigrant*, is responsible for a revised interpretation of the "California Thesis" of Mary Coolidge (*Chinese Immigration*, New York: Henry Holt, 1909). According to Miller, "To view the policy of exclusion simply as a victory for the obsessive prejudice of Californians is neither accurate nor fair." (p. 191).

4. Robert G. Cleland, *A History of California*: *The American Period* (New York: MacMillan, 1922), pp. 418-419.

5. Heizer and Almquist, *The Other Californians*, p. 166.

6. Bancroft, *Works*, Vol. 24, p. 341.

7. Calif. Const. art. 2, sec. 1 (1879).

8. Thomas J. Scharf, "The Farce of the Chinese Exclusion Laws," *North American Review*, 166 (January, 1898), 85-98.

9. Bancroft, *Works*, Vol. 24, pp. 338, 345.

10. A full discussion and advocacy of this interpretation is found in Francis Y. Chang, "A Study of the Movement to Segregate Chinese Pupils in the San Francisco Public Schools Up to 1885" (Ed. D. dissertation, Stanford University, 1936).

11. San Francisco, *Annual Report*, *1873*, pp. 93-94.

12. The only comprehensive presentation on the Chinese effort to gain admission to California's public schools is found in an as yet unpublished manuscript by Charles Wollenberg, entitled "Tape v. Hurley: 'Yellow Peril' in San Francisco Schools."

13. Eighth Biennial Report of the Superintendent of Public Instruction, 1878 and 1879, pp. 27-28, in Appendix, 23rd Session, 1879.

14. Davis, Sacramento, p. 92.

15. At Moulder's request, the Board had ordered on October 23, 1884, that no teacher or principal was to admit Chinese children into his class or school. Violation was to result in the immediate dismissal of the individual. San Francisco Board of Education Circular No. 52 in Lee S. Dolson, Jr. "The Administration of the San Francisco Public Schools, 1847-1947" (Ph.D. dissertation, University of California, Berkeley, 1964), p. 217.

16. Eleventh Biennial Report of the Superintendent of Public Instruction, 1883 and 1884 in Appendix, 26th Session, 1885; San Francisco, Annual Report, 1884, pp. 64-65.

17. Wollenberg manuscript "Tape v. Hurley," pp. 11-19; Tape v. Hurley, 66 California Reports 473-475 (1884-85).

18. Calif. Statutes 1885, c. 117, sec. 1662.

19. Coolidge, Chinese Immigration, p. 436.

20. Wong Him v. Callahan, et al., 119 Federal Reporter 381-383 (1903).

21. Davis, Sacramento, p. 140.

22. Hollembeak, Public Schools of Stockton, pp. 97-98.

[illegible] San Jose, San Jose City School District, "Minutes of the High School Board of Education," May 2, 1895.

24. U. S., Bureau of the Census, Thirteenth Census of the United States Taken in the Year 1910, vol. II, pt. 1, Population: Reports by States (Washington, D. C.: Government Printing Office, 1913), p. 160, Table 9: School Attendance.

25. Arthur G. Butzbach, "The Segregation of Orientals in the San Francisco Schools" (Master's thesis, Stanford University, 1928), p. 13.

26. Heizer and Almquist, The Other Californians, p. 181.

27. References to this action are included in numerous works. Detailed narratives are found in Butzbach, "The Segregation of Orientals in the San Francisco Schools"; Dolson, "The Administration of the San Francisco Public Schools, 1847-1945"; Ruth H. Thomson, "Events Leading to the Order to Segregate Japanese Pupils in the San Francisco Public Schools" (Ph.D. dissertation, Stanford University, 1931); H. B. Johnson, *Discrimination Against Japanese in California* (Berkeley: Press of the Courier Publishing Company, 1907); David Brudnoy, "Race and the San Francisco School Board Incident: Contemporary Evaluations," *California Historical Quarterly*, L (September, 1971), p. 303.

28. Resolution of the San Francisco Board of Education, May 5, 1905 as quoted in Butzbach thesis, p. 21.

29. Brudnoy, "Race and the San Francisco School Board Incident," p. 303.

30. Thomson, "Events Leading to the Order to Segregate Japanese Pupils in the San Francisco Schools," p. 159. A good discussion of the political climate prevailing in San Francisco during this period is found in Walton Bean, *Boss Ruef's San Francisco* (Berkeley: University of California Press, 1952).

31. San Francisco, *Annual Report, 1907*, p. 17; Butzbach thesis, p. 77.

32. James D. Richardson, *A Compilation of the Messages and Papers of the Presidents* (New York: Bureau of National Literature, 1911), SV, 7054.

33. San Francisco, San Francisco City School District, "Minutes of the Board of Education," March 13, 1907.

34. *Ibid*., June 6, 1907.

35. From a letter published in the *Japan Mail* (December 22, 1906) as quoted in Butzbach thesis, p. 81.

36. *Christian Advocate* (San Francisco), November 29, 1906 cited in Butzbach thesis, p. 81.

Chapter IV, Educating Native Americans, 1870 - 1935

1. The figures listed are the most widely cited based on informed estimates. The Kelsey figure, on the other hand, is taken from his *Census of Non-Reservation California Indians, 1905-1906*, Archeological Research Facility, Department of Anthropology, University of California, Berkeley, 1971 (reprint).

2. Census data indicates the following breakdown by race: White, 3,264,711; Japanese, 71,952; Negro, 38,763; Chinese, 28,812; Indians, 17,360; all others, 5,263; Total, 3,426,861. U.S., *Fourteenth Census*, vol. III (1922), p. 106.

3. An excellent presentation of attitudes held by public officials and private citizens toward Indians during the early years of statehood is found in Heizer and Almquist, *The Other Californians*.

4. Reference to such an instance is discussed in letters from A. H. Dodge to [Governor William Irwin], September 17, 1873; and Lt. Col. A. D. Nelson to the Assistant Adjutant General, September 22, 1873, California Archives, Sacramento, California, Indian War Files, 1860-1881, Box 2.

5. Heizer and Almquist, *The Other Californians*, pp. 39-40.

6. U. S., President, *Message From The President Of The United States Communicating Eighteen Treaties Made With Indians In California, 1851-1852* (Washington, D. C.: 1905), p. 8.

7. *Ibid*.

8. Calif. Statutes 1864, c. 209, sec. 68; 1866, c. 342, sec. 57; 1874, c. 543, sec. 1669; 1885, c. 117, sec. 1662; 1893, c. 193, sec. 1662; 1903, c. 77, sec. 1662; 1909, c. 593, sec. 1662; 1921, c. 685, sec. 1662; 1927, c. 162, sec. 1662; 1935, c. 488, sec. 33. Wording found in the 1885 revision was first approved by the Code Commission in 1880.

9. *California Teacher* 4 (January, 1867), 128. Section 56 of the Statutes of California did not permit any board of trustees by a majority vote to admit "in to any public school half-breed Indian children who lived in white families or under guardianship of white persons." California Statutes March 24, 1866, c. 342, sec. 56.

10. U. S., Office of Indian Affairs, *Reports on Indian Affairs, California Superintendency, 1861-1871*, No. 19 (Washington, D. C.: Government Printing Office, 1861-1871), p. 98.

11. U. S., Commissioner of Education, *Bureau of Education Reports* (Washington, D. C.: Government Printing Office, 1872), p. 418.

12. U. S., Secretary of the Interior, *Report of the Commissioner of Indian Affairs*, "Regard to the Condition of the Mission Indians of California" (Washington, D. C.: Government Printing Office, 1873), pp. 5-6, 8.

13. *Report of the Commissioner of Indian Affairs*, 1906, p. 68.

14. *Report of the Commissioner of Indian Affairs*, 1885, p. 111.

15. U. S., Commissioner of Education, *Special Report on Indian Education* (Washington, D. C.: Government Printing Office, 1888), p. 175.

16. Evelyn C. Adams, *American Indian Education* (New York: Arno Press and The New York Times, 1971), pp. 54-55.

17. Rules nineteen and fifty-four are the ones referred to; U. S., Office of Indian Affairs, *Rules for the Indian School Service* (Washington, D. C.: Government Printing Office, 1900). The harsher aspects of student recruitment and the withholding of rations was officially ended in 1894.

18. Letter from Commissioner W. S. Jones to the Superintendent, Greenville School, California, January 13, 1902, National Archives, Archives Branch, San Francisco, California.

19. G. Stanley Hall, "How Far are the Principles of Education Along Indigenous Lines Applicable to American Indians," *Pedagogical Seminar*, 15 (September, 1908), 365-369.

20. The Rincon Day School in the Palo Agency was discontinued and its two students transferred to a public school in 1910. *Report of the Commissioner of Indian Affairs*, 1910, p. 18.

21. *Report of the Commissioner of Indian Affairs*, 1904, p. 166.

22. *Ibid*., p. 436.

23. Letter from Superintendent [unnamed, probably Dale H. Reed] to Commissioner of Indian Affairs, February 5, 1917, National Archives, Archives Branch, San Francisco, California; Record Group 75, Files of Special Indian Agent Col. L. A. Dorrington, Box 2.

24. Investigation, Greenville Indian School, Desertion of Katherine Dick, Edith Buckskin, Rosa Jones, Elweza Stonecoal, Mollie Lowry, 1916, Dorrington File, Box 6.

25. Letter from Superintendent Eugene M. Tardy to Assistant Commissioner E. B. Merrit, November, 1916, Dorrington File, Box 4.

26. Letter from Commissioner Cato Sells to Mr. Raken, December 22, 1916, Dorrington File, Box 4.

27. Dorrington File, Box 4.

28. Thirty-first Biennial Report of the Superintendent of Public Instruction, 1923 and 1924, p. 65 in Appendix, 46th Session, 1924; National Archives, Archives Branch, Los Angeles, California, Bureau of Indian Affairs, Records of the Mission Agency, Box 58462.

29. Report of the Commissioner of Indian Affairs, 1918, p. 20.

30. Adams, American Indian Education, p. 68.

31. The data given are calculated from figures contained in Box 58471, National Archives, Archives Branch, Los Angeles, California.

32. National Archives, Los Angeles, Box 58477.

33. Letter from Mary Helen Fee to Superintendent C. L. Ellis, June 27, 1923, National Archives, Los Angeles, Box 58471.

34. Letter and "Returned Student Survey" from Malcom McDowell to Col. L. A. Dorrington, December 6, 1917, Dorrington File, Box 9.

35. Adams, American Indian Education, p. 63.

36. Report of the Commissioner of Indian Affairs, 1894, p. 14.

37. Report of the Commissioner of Indian Affairs, 1903, p. 21.

38. Letter from C. E. Kelsey to Calvin H. Asbury, October 17, 1912, Dorrington File, Box 6.

39. Letter from H. B. Peairs to Calvin H. Asbury, December 24, 1912, Dorrington File, Box 10.

40. Letter from C. E. Kelsey to Calvin H. Asbury, February 4, 1912, Dorrington File, Box 6.

41. Report of the Commissioner of Indian Affairs, 1914, p. 8.

42. Malcolm McDowell, "Report of the Landless Indians of California," 1919, p. 19, University of Oregon Library, Eugene, Department of Special Collections, Oscar H. Lipps Papers.

43. Two reports prepared by Government staff in 1919 and 1920 explain in detail the status of Indian education in California during this period. See Malcolm McDowell, "Report of the Landless Indians of California," 1919; also O. H. Lipps and L. F. Michaels, "Confidential Report on Conditions of California Indians," June 15, 1920, University of Oregon Library, Eugene, Department of Special Collections, Oscar H. Lipps Papers.

44. Letter from H. B. Peairs to All Superintendents, June 12, 1923, National Archives, Los Angeles.

45. Letter from E. K. Miller to U. S. Webb, April 12, 1917, California State Archives, Sacramento.

46. Georgiana Caroline Carden, Bancroft Library, Berkeley, *Correspondence and Papers*, MS No. 68/129.

47. Letter from Superintendent [F. M. Conser] to Commissioner of Indian Affairs, July 2, 1920, National Archives, Los Angeles.

48. Calif. Statutes 1921, c. 685, sec. 1662.

49. Piper v. Big Pine School District of Inyo County, 193 California 664 (1924).

50. Peters v. Pauma School District of San Diego County, 91 Cal. App. 792 (1928).

51. Information obtained from the *Biennial Report of the State Superintendent of Public Instruction* for the years given.

52. The motive of state officials can be inferred with confidence from scattered correspondence between them and personnel from the Indian Office. On October 3, 1934, for example, Alfred E. Lentz, Administrative Advisor to the State Superintendent of Public Instruction, wrote John W. Dady, Superintendent of the Mission Indian Agency, that "there are communities in the state which desire to maintain separate schools for Mexican children, and any measure which, while prohibiting Indians (as you define them) from being segregated in separate public schools, would be received most unfavorably in those communities." National Archives, Archives Branch, Los Angeles, California, Box 34765.

53. California, State Board of Health, *A Survey of the Indians of Northeastern California* (Sacramento, [1920-1921]). p. 82.

54. Carden, *Correspondence and Papers*, October 23, 1922.

55. *Ibid*., August 11, 1923.

56. Lewis Meriam, *The Problem of Indian Administration*, Institute of Government Research, Studies in Administration (Baltimore: The John Hopkins Press, 1928), p. 716.

57. "Press Release," April 21, 1933, Lipps Papers.

58. U. S., Technical Cooperation - Bureau of Indian Affairs, Soil Conservation Service, Department of Agriculture, "Human Dependency and Economic Survey, Sacramento, California, Indian Jurisdiction" (Denver: Department of the Interior, Office of Indian Affairs, May, 1936), p. 15. (Mimeographed.)

Chapter V, Schooling for Children of Migrant Farm Workers, the 1920's

1. In the case of foreign born residents of California in 1930 who migrated to the United States in 1900 or earlier, the percentage of the total for their group was: German, 54.2; Scandinavian countries, 47.6; Ireland, 44.6; France, 36.2; England, Wales, and Scotland, 33.1; Russia, 21.8; China, 20.8; Italy, 18.4; Japan, 10.1; Mexico, 3.7. *U. S., Fifteenth Census, 1930*, vol. II, pt. 1, pp. 512 and 526, as quoted from Eshref Shevky and Marilyn Williams, *The Social Areas of Los Angeles* (Berkeley: University of California Press, 1949), p. 20.

2. California, Departments of Industrial Relations, Agriculture, and Social Welfare, *Mexicans In California*, *Report of Governor C. C. Young's Mexican Fact-Finding Committee* (San Francisco: State Printer, 1930), p. 25.

3. Ruth S. Lamb, *Mexican Americans: Sons of the Southwest* (Claremont, California: Ocelot Press, 1970), p. 105.

4. John R. Martinez, *Mexican Immigration to the U. S., 1910-1930* (San Francisco: R&E Research Associates, 1971), p. 79.

5. Calif., *Mexicans In California*, pp. 38-39.

6. *Ibid*., p. 28.

7. U. S., Department of Interior, Office of Education, *Bulletin*, 1933, No. 11, "The Education of Spanish-Speaking Children in Five Southwest States," by Annie Reynolds (Washington, D. C.: Government Printing Office, 1933), p. 6.

8. Spencer C. Olin, Jr., *California's Prodigal Sons: Hiram Johnson and the Progressives, 1911-1917* (Berkeley: University of California Press, 1968), pp. 79-80.

9. See *Annual Report of the Commission of Immigration and Housing of California* for 1920 and 1923 found respectively in *Appendix*, 44th Session, 1921 and *Appendix*, 45th Session, 1923.

10. Carden, *Correspondence and Papers*.

11. Calif. Statutes 1921, c. 691.

12. Calif. Statutes 1921, c. 885.

13. All quotations of conversations in which Miss Carden was a participant are taken from her papers located at the Bancroft Library, University of California, Berkeley. In addition, her papers are the source for most other information not otherwise cited, including all specific references to the migratory school program.

14. Reynolds, Bulletin, p. 49.

15. Assembly Bill 167 was introduced by Mrs. Eleanor Miller of Los Angeles. Upon successful passage, it became Chapter 409. California, Statutes and Amendments to the Codes, 47th Session, 1927 (Sacramento: State Printer, 1927).

16. Reynolds, Bulletin, p. 48.

17. This quotation was taken from page two of an unidentified and undated typed manuscript in the Carden papers. It reflects a point of view commonly expressed by Miss Carden in her diary and presumably was written by her.

18. See Paul S. Taylor, Mexican Labor in the United States, Vol. I, No. 1: Imperial Valley (Berkeley: University of California Press, 1930).

19. Thirty-fifth Biennial Report of the Superintendent of Public Instruction, 1931 and 1932, p. 68, in Appendix, 50th Session, 1933.

20. California, Department of Education, Bulletin No. 8, April 15, 1932, "A Guide for Teachers of Beginning Non-English Speaking Children" (Sacramento: State Printer, 1932). All direct quotations in this paragraph are taken from the preface written by Helen Heffernan, pp. v-vi.

21. See Emory S. Bogardus, "Repatriation and Readjustment," in Manual P. Servin, The Mexican Americans: An Awakening Minority (Beverly Hills, California: Glencoe Press, 1970), pp. 88-97.

Chapter VI, City School Segregation in Transition, 1880-1917

1. The definitive works on the emergence of ghettos in these cities are Gilbert Osofsky, Harlem: The Making of a Ghetto (New York: Harper and Row, 1966), and Alan F. Spear, Black Chicago: The Making of A Negro Ghetto, 1890-1920 (Chicago: University of California Press, 1967).

2. This interpretation has not changed appreciably over time. See J. Max Bond, "The Negro in Los Angeles" (Ph.D. dissertation, University of Southern California, 1936), p. 36; and Lawrence B. DeGraaf, "The City of Black Angels: Emergence of the Los Angeles Ghetto, 1890-1930," Pacific Historical Review, 39 (August, 1970), 331.

3. Thirteenth Biennial Report of the Superintendent of Public Instruction, 1887 and 1888, p. 102, in Appendix, 28th Session, 1888.

4. U. S., Thirteenth Census, 1910, vol. II, pt. 1, pp. 180 and 182.

5. DeGraff, "City of Black Angels," p. 331.

6. *Liberator* (Los Angeles), May, 1902 as quoted in Fisher dissertation, p. 174.

7. Bond dissertation, p. 63. The most detailed accounting of Negro court successes is found in Beasley, *Negro Trailblazers*, p. 204.

8. Clara G. Smith, "The Development of the Mexican People in the Community of Watts, California" (Master's thesis, University of Southern California, 1933), p. 8.

9. John E. Kienle, "Housing Conditions Among the Mexican Population of Los Angeles" (Master's thesis, University of Southern California, 1912), p. 37.

10. *Report of the California Commission on Immigration and Housing, 1917*, p. 257.

11. Kienle thesis, p. 20.

12. *Immigration and Housing Report, 1914*, p. 13, in *Appendix*, 41st *Session, 1915*.

13. S. D. Waterman, *History of the Berkeley Schools* (Berkeley: /The Professional Press/, 1918), p. 111.

14. Calif., *Mexicans In California*, p. 73.

15. The song referred to is "A Black Scholar's Song," *The Pacific School and Home Journal*, V (September, 1881), 396. The first stanza of that song is as follows: "I's a gay and happy little colored lad, As you see, Sometimes I's good but mostly I's as bad as can be, I likes to go to school, But I hates de redwood rule, For I neber likes to lie across de schoolmaster's knee. Oh! no! no! no! no! I likes to go to school, But I hates de redwood rule, For I neber likes to lie across de schoolmaster's knee."

16. California, State Board of Education, *First Biennial Report of the State Board of Education, 1913-14*, p. 69, in California, Legislature, *Appendix to Journals of Senate and Assembly*, 41st Session, 1915.

17. Elizabeth Bates, "100 Years of Public Education in Los Angeles" (Los Angeles City Schools, 1955), p. 20. Reprinted From Elizabeth Bates, "A Study of the Development of Elementary Education in Los Angeles City" (Master's thesis, University of Southern California, 1928).

18. Wysinger v. Crookshank, 82 Pomeroy 588 (1890).

19. Sacramento, Sacramento City School District, "Minutes of the Board of Education," February 23, 1880 and August 1, 1894; Davis, History and Progress of the Public School Department of Sacramento, pp. 145 and 160.

20. Irving G. Hendrick, The Development of a School Integration Plan in Riverside, California: A History and Perspective (Riverside: Riverside School Study, 1968), pp. 34-35.

21. Miss E. Gertrude Chrisman, a part Indian, was the first Black teacher in modern day Los Angeles. Her story is told in Beasley, Negro Trailblazers, p. 236.

22. Los Angeles, Los Angeles City School District, "Minutes of the Board of Education," April 1, 1915.

23. The most complete accounting of the Allensworth adventure are found in Fisher dissertation, pp. 193-197; and Beasley, Negro Trailblazers, p. 185.

24. U. S., Office of Education, Annual Report of the Commissioner of Education for the year ending June 30, 1908, vol. 2 (Washington: Government Printing Office, 1910), p. 605.

25. "Inaugural Address of Governor George C. Pardee to the Thirty-fifth Session of the Legislature of the State of California January 1903" in Appendix, 35th Session, 1903.

26. In the 15-17 age category for 1910, 64.9 percent of white youth born of native parents attended school. For whites born of foreign or mixed parents the figure was 55.7 percent, for foreign born whites it was 34.3 percent, and for blacks 52.9 percent. U. S., Thirteenth Census, 1910, vol. II, pt. 1 (1913), p. 160.

27. U. S., Thirteenth Census, 1910, vol. I (1913), pp. 342, 1218, and 1223.

28. Tenth Biennial Report of the Superintendent of Public Instruction, 1881 and 1882, p. 65, in Appendix, 25th Session, 1882.

29. Los Angeles, "Board Minutes," December 7, 1916.

30. Ibid., June 4, 1917.

31. Immigration and Housing Report, 1916, p. 134, in Appendix, 42nd Session, 1917.

32. Pasadena, Pasadena City School District, "Minutes of the Board of Education," March 20, 1913.

33. According to F. J. Becker, Supervising Principal of the South Raymond School, the parents first reacted with "many exclamations in Spanish of 'regretas,' 'Que lastima,' - 'What a shame,' but then came to accept the school as their own." Annual Report of the Pasadena City Schools for the Year Ending June 30, 1916 (Pasadena: Pasadena City School District, 1916), p. 55.

34. Santa Ana, Santa Ana City School District, "Minutes of the Board of Education," April 11, 1914.

35. Ibid., July 8, 1913.

Chapter VII, The Quiet Process of Segregation Between the World Wars

1. U. S., Fourteenth Census, 1920, vol. II, pt. 1 (1922), pp. 31 and 35.

2. Osofsky, Burden of Race, p. 275.

3. U. S., Fifteenth Census, 1930, vol. II, pt. 1 (1933), pp. 52 and 69; DeGraff, "City of Black Angels," p. 330.

4. U. S., Sixteenth Census, 1940, vol. II, pt. 1 (1943), p. 629.

5. Calif., Mexicans In California, p. 25; Reynolds, Bulletin, p. 6.

6. Calif., Mexicans In California, pp. 90-97.

7. Fisher, "The Political Development of the Black Community in California, 1850-1950," p. 261.

8. Berlinda Davison, "Educational Status of the Negro in the San Francisco Bay Region" (Master's thesis, University of California, Berkeley, 1921), p. 77.

9. Calif., Mexicans In California, p. 177.

10. Declaration of Conditions and Restrictions Governing Tract No. 11703 [1941] in possession of the author.

11. DeGraff, "The City of Black Angels," pp. 336-337; Los Angeles Investment Company v. Gary, 181 Cal. 680 (1919).

12. DeGraff, "The City of Black Angels," p. 351.

13. Lloyd H. Fisher, The Problem of Violence: Observations on Race Conflict in Los Angeles (San Francisco: American Council on Race Relations, 1945), p. 6; Shevky and Williams, The Social Areas of Los Angeles, p. 56.

14. Calif. Statutes 1921, c. 685, sec. 1662.

15. California, Department of Justice, "Opinions of the Attorney General," vol. 22, pp. 931-32, January 23, 1930, No. 6735a. This opinion is based on No. 6735 dated September 27, 1929 found in vol. 21, pp. 448-50.

16. Calif. Statutes 1935, c. 488, sec. 33.

17. Oakland, Oakland City School District, "Minutes of the Board of Education," November 4, 1920.

18. See Irving G. Hendrick, "California's Response to the 'New Education' in the 1930's," California Historical Quarterly, LIII (Spring, 1974), 25-40.

19. Evening Express (Los Angeles), April 4, 1931, p. 17, col. 3.

20. David C. Lewis, "A Study of the Southern California City Superintendents Group, 1923-1963" (Ed.D. dissertation, University of California, Los Angeles, 1966), pp. 120-121.

21. Thirty-first Biennial Report, p. 51.

22. Hazel G. Whitaker, "A Study of Gifted Negro Children in the Los Angeles City Schools" (Master's thesis, University of Southern California, 1931), p. 1.

23. Kimball Young, Mental Differences in Certain Immigrant Groups, University of Oregon Publications, vol. 1, no. 11 (Eugene: University of Oregon Press, 1923).

24. Whitaker thesis, p. 82.

25. Merton E. Hill, The Development of an Americanization Program (Ontario, Calif.: Board of Trustees of the Chaffee Union High School and Chaffee Junior College Districts, 1928) as reprinted in Leonard Pitt, compiler, California Controversies (Glenville, Ill.: Scott, Foresman, 1968) and quoted in Reynolds, Bulletin, p. 55.

26. Reynolds, Bulletin, pp. 46-47.

27. See Otto Klineberg, Race Differences (New York: Harper and Brothers, 1935).

28. Reynolds, Bulletin, p. 9.

29. Reynolds, Bulletin, pp. 10-11; Calif., Mexicans In California, p. 177.

30. Ward W. Leis, "The Status of Education for Mexican Children in Four Border States" (Master's thesis, University of Southern California, 1931), p. 26, as quoted in William A. Farmer, "The Influence of Segregation of Mexican and American Children Upon the Development of Social Attitudes" (Master's thesis, University of Southern California, 1937), p. 7.

31. "Segregation of Mexican Children," *El Nacional* (Mexico City), September 6, 1931, as quoted in Reynolds, *Bulletin*, p. 13.

32. Santa Ana, "Board Minutes," January 13, 1919.

33. *Ibid*., May 12, 1941.

34. Reynolds, *Bulletin*, p. 10.

35. Los Angeles, "Board Minutes," September 12, 1921, June 18, 1923, July 26, 1923, August 27, 1923, and October 29, 1923.

36. See Frank M. Wright, "Survey of the El Monte School District" (Master's thesis, University of Southern California, 1930).

37. Los Angeles, Board Minutes, July 18, 1921.

38. Mary G. Jensen, "The Rise and Expansion of Public Secondary Education in the Los Angeles City High School District" (Ph.D. dissertation, University of California, Berkeley, 1941), p. 295.

39. Los Angeles, "Board Minutes," January 11, 1940. Under "Notes from Committee of the Whole Meeting" was found an informal, not public, report dated March, 1938 entitled "Racial Background Survey -- All Schools."

40. Los Angeles, "Board Minutes," June 17, 1926.

41. *Sentinel* (Los Angeles), September 27, 1934.

42. Los Angeles, "Board Minutes," April 30, 1940, May 23, 1940, August 12, 1940, January 9, 1941. Data on the number of teachers in the district is found in a Memo to the Superintendent [Vierling Kersey] from Asst. Superintendent L. B. Travers, July 17, 1939.

43. San Francisco, "Board Minutes," May 11, 1926.

44. The four communities referred to were Florin, Walnut Grove, Isleton, and Courtland. Reginald Bell, "A Study of the Educational Effects of Segregation Upon Japanese Children in American Schools" (Ph.D. dissertation, Stanford University, 1932), pp. 20-22.

Chapter VIII, School Segregation in Transition, the 1940's and 1950's

1. Shevky and Williams, The Social Areas of Los Angeles, p. 17.

2. Ibid., p. 54.

3. Cy W. Record, "Willie Stokes at the Golden Gate," The Crisis, 56 (June, 1949), 187.

4. Moses Rischin, "Immigration, Migration, and Minorities in California: A Reassessment," Pacific Historical Review, XLI (February, 1972), 82.

5. Los Angeles, Foreign Relations Division, Los Angeles County Sheriff, Statistics, 1942, by Edward D. Ayres, p. 2, as quoted in Solomon J. Jones, "The Government Riots of Los Angeles, June, 1943" (Master's thesis, University of California, Los Angeles, 1969), pp. 25-27.

6. Los Angeles, "Board Minutes," May 2, 1939, May 6, 1941, and May 4, 1943.

7. Shelly et ux. v. Kraemer et ux. and McGhee et ux. v. Sipes et al., 68 U. S. 836 (1946).

8. Charles B. Spaulding, "Housing Problems of Minority Groups in Los Angeles County," The Annals of the American Academy of Political Social Science, 248 (November, 1946), 222.

9. A Decent Home an American Right, 5th, 6th, and 7th Consolidated Report, Housing Authority of the City of Los Angeles, p. 14 as quoted in Spaulding, Housing Problems, pp. 220-21.

10. Spaulding, Housing Problems, p. 222.

11. U. S., Works Project Administration, Project 11887, Less Chance Areas in the City of Los Angeles (Washington, D. C.: Government Printing Office, 1942) as cited in Solomon J. Jones, "The Government Riots of Los Angeles, June, 1943" (Master's thesis, University of California, Los Angeles, 1969), p. 18.

12. Elis M. Tipton, "The San Dimas Intercultural Program," in California Elementary School Principal's Yearbook, Education for Cultural Unity, 17 (1945), 93-94.

13. Helen Heffernan and Corinne Seeds, "Intercultural Education in the Elementary School," in California Elementary School Principal's Association Yearbook, Education for Cultural Unity, 17 (1945), 84; and see Calif., Bulletin No. 14 (October, 1932).

14. Santa Ana, "Board Minutes," October 9, 1944.

15. Mendez et al. v. Westminster School District of Orange County et al., 64 F. Supp. 544 (1946).

16. David C. Lewis, "A Study of the Southern California City Superintendent's Group, 1923-1963" (Ed.D. dissertation, University of California, Los Angeles, 1966), pp. 123-124.

17. Directive to all principals, directors, and supervisors from Associate Superintendent G. M. Hoyt, Auxiliary Services Division *Bulletin*, no. 46, November 22, 1949; Los Angeles City Schools, *General Bulletin*, no. 17, February 23, 1951.

18. Los Angeles, "Board Minutes," April 13, 22, May 8, 23, and June 21. 1948.

19. During 1940 and 1941, blacks in Los Angeles, San Diego, and presumably other parts of California, were far from pleased with either their training or employment prospects in the defense industry. Pressure from aircraft companies, technical schools, and some public schools forced the State Relief Administration to announce that the Aircraft Training Program it set up in 1940 would be open to whites only, although it would consider "Mexican youth with very light complexion for possible assignment." *California Eagle* (Los Angeles), June 4, 1942 and February 23, 1943 as cited in DeGraff dissertation, p. 170.

20. Testimony of Prof. Burton Henry, California State University, Los Angeles. U. S., Civil Rights Commission, *Hearings Before the United States Commission on Civil Rights*, held in Los Angeles, California, January 25 and 26, 1960; San Francisco, January 27 and 28, 1960 (Washington, D. C.: Government Printing Office, 1960), pp. 79-80.

21. Los Angeles, "Board Minutes," January 26, 1942.

22. Pasadena, "Board Minutes," September 18, 1947.

23. Harold W. Horowitz and Kenneth L. Karst, *Law, Lawyers and Social Change* (Indianapolis: The Bobbs-Merrill Co., 1969), pp. 435-36; Ernest M. Posey, "Segregation In the Pasadena Schools: A Community Effort" (B.A. honors thesis, Harvard College, 1972), pp. 30-31.

24. Berkeley, Berkeley City School District, *Interracial Problems and Their Effects on Education in the Public Schools of Berkeley, California*, Report to the Board of Education by the Advisory Committee of Citizens, October 19, 1959, Appendix I.

Chapter IX, Triumph and Turmoil

1. See George H. Gallup, "Sixth Annual Gallup Poll of Public Attitudes Toward Education," Phi Delta Kappan, LVI (September, 1974), 26.

2. U. S., Bureau of the Census, Census of the Population, California, 1960.

3. California, State Department of Industrial Employment, Division of Fair Employment Practices, American Indians in California (San Francisco, 1965), pp. 12-13.

4. See Christopher Jencks, et al., Inequality: A Reassessment of the Effects of Family and Schooling in America (New York: Basic Books, 1972).

5. California, Governor's Commission on the Los Angeles Riots, Report (Sacramento: 1966), p. 59.

6. Los Angeles, "Board Minutes," May 2, 1963; December 21, 1967. Los Angeles City Schools, Public Information Office, Voluntary Transportation Program (Los Angeles, /1972/). (Brochure.)

7. The first statewide ethnic census of children and school district employees in modern times was made in the fall, 1966. Since 1967 the results of each annual census have been published by the State Department of Education under the title, Racial and Ethnic Survey of California Public Schools.

8. An interesting chronology of State Superintendent Rafferty's statements is found in Ulysses V. Spiva, "An Exploratory Analysis of the California State Board of Education and its Policies toward Racial Isolation in the Public Schools" (Ph.D. dissertation, Stanford University, 1971), pp. 51-53.

9. Minutes of the California State Board of Education, June 14-15, 1962.

10. California Administrative Code, title 5, sec. 2010.

11. Minutes of the California State Board of Education, April 13-14, 1967.

12. Minutes of the California State Board of Education, September 12-13, 1968.

13. Minutes of the California State Board of Education, February 13-14, 1969.

14. Jackson v. Pasadena City School District, 31 Cal. Rptr. 606 (1963).

15. Spangler v. Pasadena City Board of Education, 311 F. Supp. 501 (1970).

16. Crawford v. Los Angeles Board of Education, 2d Civil No. 37750, Superior Court No. 822854 (1970); the most complete and detailed story of the struggle for school integration in Los Angeles was written by the historian John Caughey, himself a notable participant in the Crawford case, an active supporter of integration, and a critic of the Los Angeles school board's handling of the issue. See John W. Caughey, *To Kill a Child's Spirit* (Itasca, Ill.: F. E. Peacock, 1973).

17. Johnson v. San Francisco Unified School District, *et al*., 339 F. Supp. 1315 (1971).

18. San Diego City Schools, *Report of the Citizens Committee on Equal Educational Opportunities to the Board of Education* (San Diego, 1966).

19. Sacramento City Unified School District, Intergroup Relations Office, *The Sacramento Desegregation Plan* (Sacramento, 1973).

20. Oakland Public Schools, *Quality Education in Oakland* (Oakland, 1966), pp. 7, 21-23.

21. California, State Department of Education, *Racial and Ethnic Distribution in California* (Sacramento, 1971), pp. 2, 6.

22. *Ibid*., p. 9.

23. A more complete discussion of Riverside's action is found in Irving G. Hendrick, *The Development of a School Integration Plan in Riverside, California* (Riverside: The Riverside School Study, University of California, 1968).

24. The story of Berkeley's achievement in school integration was well covered in the periodic literature of the late 1960's. The most complete description is found in Neil V. Sullivan and Evelyn Stewart *Now is the Time: Integration in the Berkeley Schools* (Bloomington, Indiana: Indiana University, 1970).

25. U. S., Congress, Senate, Committee on Interior and Insular Affairs, *Indian Education Act of 1971*, Hearings 92d Cong., 1st Sess. (Washington, D. C.: Government Printing Office, 1955). See also Rovert J. Havighurst, "Indians and their Education in Los Angeles," in *The National Study of American Indian Education*, Final Report to U. S. Office of Education, Project No. OEC-0-8-080747-2805 (Chicago: The University of Chicago, 1970).

26. From U. S. Bureau of the Census report based on a 25 percent sampling of the population as quoted in California, Fair Employment Practices Commission, *American Indians in California* (San Francisco: Fair Employment Practices Commission, 1965), p. 23.

27. California, Department of Education, Division of Compensatory Education, *California Plan for the Education of Migrant Children* (Sacramento, 1970), p. iii.

28. The most complete presentation arguing for the decentralization of Los Angeles schools is found in California, Legislature, *Final Report to the Legislature by the Joint Committee on Reorganization of Large Urban Unified School Districts* (Sacramento: California State Senate, 1971).

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